



DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 30 JANUARY 2025 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM**

Membership

| | |
|--|----------------------------------|
| Councillor Garrick Stevens (Chairman) | Councillor Jan Maddern |
| Councillor Fiona Guest (Vice-Chairman) | Councillor Angela Mitchell |
| Councillor Ian Bristow | Councillor Brian Patterson |
| Councillor Toni Cox | Councillor Stewart Riddick |
| Councillor David Deacon | Councillor Caroline Smith-Wright |
| Councillor Nigel Durrant | Councillor Philip Walker |
| Councillor Claire Hobson | 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

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:

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

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

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

| | | |
|----------|---|-------------------|
| 5a | 23/01998/FUL Construction of 9 new dwellings, comprising a mix of 3-bed, and 4-bed units. New pedestrian link and nature trail connecting Astrope Lane to Long Marston Primary School. Hard standing for school bus stop. Land Off Astrope Lane, Long Marston, Tring, Hertfordshire | (Pages 6 - 132) |
| 5b | 24/01541/FUL New build 4 bedroom house with associated landscaping. Little Farm, Rucklers Lane, Kings Langley, Hertfordshire | (Pages 133 - 163) |
| 6 | APPEALS UPDATE JANUARY | (Pages 164 - 200) |
| 7 | PLANNING ENFORCEMENT QUARTERLY REPORT | (Pages 201 - 211) |

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| 5a. | 23/01998/FUL | Construction of 9 new dwellings, comprising a mix of 3-bed, and 4-bed units. New pedestrian link and nature trail connecting Astrope Lane to Long Marston Primary School. Hard standing for school bus stop. Land Off Astrope Lane, Long Marston, Tring, Hertfordshire | |
| 5b. | 24/01541/FUL | New build 4 bedroom house with associated landscaping. Little Farm, Rucklers Lane, Kings Langley, Hertfordshire | |

Agenda Item 5a

ITEM NUMBER: 5a

| | | |
|------------------------|--|----------------------|
| 23/01998/FUL | Construction of 9 Dwellings, New Pedestrian Link and Bus Drop Off Area | |
| Site Address: | Land off Astrope Lane, Long Marston, Tring | |
| Applicant/Agent: | Lox Farm Limited | TAS Architects |
| Case Officer: | Robert Freeman | |
| Parish/Ward: | Tring Rural Parish Council | Tring West and Rural |
| Referral to Committee: | This application has been referred to the Development Management Committee due to the objections of the Parish Council and at the request of Cllr Smith-Wright. These objections relate to the flood risk that the development proposes to residents of Astrope Lane and Long Marston and to matters of highways safety. | |

1. **RECOMMENDATION** – That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to the completion of a legal agreement securing mitigation measures in accordance with the Chilterns Beechwoods Mitigation Strategy.

2. SUMMARY

2.1 The proposed development and the extension of the village of Long Marston is considered to be acceptable in principle in accordance with Policies CS1, CS2 and CS7 of the Core Strategy, This high quality and sustainable form of development would support the viability and vitality of the village of Long Marston in accordance with Policy CS7 of the Core Strategy and would make a small contribution towards the delivery of new homes under Policy CS17 of the Core Strategy. It would also provide significant public benefits to the village in terms of the delivery of additional public open space and the provision of a safe and convenient school drop off/collection facility with sensory space.

2.2 The proposals would result in less than substantial harm to the character and appearance of the Long Marston Conservation Area and Area of Archaeological Significance and this would clearly be out-weighed by the public benefits arising as a result of the development of this site in accordance with the NPPF and Policy CS27 of the Core Strategy.

2.3 The proposed dwellings would not be at risk of flooding nor increase the risk of other dwellings flooding within the locality in accordance with the NPPF and Policies CS31 and CS32 of the Core Strategy

3. SITE DESCRIPTION

3.1 The application site is located in the designated Rural Area beyond the village boundary of Long Marston and beyond the boundary of the Long Marston Conservation Area. The site is located within Area of Archaeological Significance 12 (Long Marston) which extends to the south of the settlement.

3.2 The site comprise 0.58 hectares of land located between the access road to Loxley Stables and car parking area to the rear of Marston Court, Long Marston. It is bounded by Astrope Lane along the south-eastern boundary with farmland to the west of the site. The site is relatively flat and comprises an area of grassland on the edge of Long Marston and backing onto a pond and the grounds to Long Marston C of E primary school.

3.3 An existing footpath cuts across the north-western edge of the site and offers pedestrian connections between to the school and Station Road (east) and open countryside (west).

The public right of way network is important given a lack of pedestrian footway to Astrope Lane.

4.0 PLANNING HISTORY

- 4.1 The application site has an extensive planning history and has been subject to a number of pre-application enquiries by the applicants since 2014.
- 4.2 The current application follows a request for pre-application advice (20/00042/PREC) regarding the construction of a development of 11 dwellings at the application site together with a new access for the adjacent primary school and communal areas.
- 4.3 This followed a request for pre-application advice regarding the construction of 9 units thereon (4/00433/14/PRE)
- 4.4 A planning application was submitted at the end of 2020 for the construction of 14 dwellings on the site, however this was withdrawn to allow further consideration of flood risk issues in light of a serious flooding incidence in the village in the early part of 2021. The scheme for 14 dwellings on the site was considered by the Community Review Panel prior to its submission with the panel complementary about the scheme's community focus, landscaping and open space and enhanced connections to the school.

Other Relevant History

- 4.5 Planning permission was granted under planning application 4/02678/15/FUL for the construction of three dwellings at the rear of Loxley Farm. These dwellings were subject to a planning condition (Condition 5 and 6) relating to the construction and retention of a sustainable drainage system that relied on existing drainage ditches to the west of the site (north west of the application site) There is currently an outstanding planning enforcement case relating to the infilling of the drainage ditch (E/24/00285/BOC) within the garden of 3 Loxley Stables.

5.0 PROPOSALS

- 5.1 The proposals involve the construction of a small-scale development of 9 new dwellings (3 x 3-bed and 6 x 4-bed) around a central amenity green to the front of the dwellings. This allows for the provision of individual private gardens orientated to the south-east and south-west of the site and the retention of significant landscaping along the south-eastern boundary of the site. These properties would be accessed via a new vehicular access from Astrope Lane.
- 5.2 The proposals also involve the construction of dedicated school bus drop off and collection point together with a sensory rest area and a new pedestrian link and nature trail connecting Astrope Lane to Long Marston Primary School. The school bus and drop off area are specifically designed to address an existing transport issue within the village of Long Marston.
- 5.3 The proposals have evolved during the course of the application in accordance with the comments of the design officer and to improve the environment and safety in respect of the school drop off and collection zone. The scheme has also been revised to address issues arising out of comments within the Stage 1 Road Safety Audit and provide further information in respect of flooding and drainage.

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) (December 2024)

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

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 – Selection of Development Sites
CS7 – Rural Area
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of Public Realm
CS17 – New Housing
CS18 – Mix of Housing
CS26 – Green Infrastructure
CS27 – Quality of Historic Environment
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions.

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

Policy 13 - Planning Conditions and Planning Obligations
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design

Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (2020)
Energy Efficiency and Conservation
Hertfordshire County Council - Place and Movement Planning Design Guide
Water Conservation

8. CONSIDERATIONS

Main Issues

The main issues to consider are:

- Principle of Development
- Layout and Design

- Impact on Heritage Assets
- Highway Safety & Parking
- Flood Risk and Drainage
- Other Material Considerations

Policy and Principle

- 8.1 The application site is located at the edge of the village of Long Marston, a designated small village in the Rural Area, and would form a natural extension to the village envelope in accordance with Policies CS1, CS2 and CS7 of the Core Strategy.
- 8.2 Policy CS2 sets out that extensions to defined settlements in the Rural Area should be accessible and allow good transport connections, should have regard to the environmental constraints and opportunities and provide an effective use of land. A primary objective will be the conservation of the rural character of settlements and the surrounding countryside.
- 8.3 Policy CS7 identifies that small scale development for housing will be acceptable in principle at Long Marston; particularly where it would meet the objectives identified in paragraph 8.2 above.
- 8.4 The development would utilise an area of open land at the edge of the village of Long Marston upon which there are existing public footpath connections and urbanising features including the access to the development at Loxley Farm Stables and utilities. It is physically well connected to the village and must be viewed in the context of development to the north. This site is well screened from Astrope lane by existing landscape features, bounded to the south-west by an existing hedgerow and to the north by an existing belt of green and blue infrastructure between the site and primary school. The site is considered suitable for a low-density development (circa 15 dph) which would not result in significant harm to the rural character of the village nor encroach on surrounding countryside forming the wider setting to the village.
- 8.5 The development is therefore considered to be acceptable in principle.
- 8.6 The proposals would provide a high quality and sustainable addition to the village supporting the provision of additional homes to address the requirements under Policy CS17 of the Core Strategy.

Layout and Design

- 8.7 The proposed development is considered to be a high-quality contemporary addition to the village of Long Marston. The proposed development is appropriate in terms of its layout, bulk, scale, site coverage, height and materiality and provides significant landscaping and amenity areas to ensure a high standard of development in accordance with Policies CS10, CS11 and CS12 of the Core Strategy.
- 8.8 The proposals involve the construction of nine residential units around a central communal amenity area including drainage infrastructure, soft landscaping and recreational space. Dwellings face into the site allowing the retention of landscaping features around the periphery of the site and affording significant space to the south-eastern and north-eastern boundaries to provide a dedicated bus drop off/collection area and footpath.
- 8.9 Residential units are constructed to exceed the minimum space standards for residential units with all properties benefitting from private external amenity spaces of at least 11.5m in depth in accordance with Saved Appendix 3 of the Local Plan 1991-2011.

- 8.10 The proposals take inspiration from the palette of materials and textures in the locality and uses a mix of timber cladding, brickwork and hexagonal clay tiles to respond to the local vernacular and create a sense of place. A strong asymmetrical gable roof form is repeated throughout reflecting an approach in many existing residential properties in the village, albeit with a modern zinc finish. Solar panels are integrated to southern facing roof slopes.
- 8.11 The proposals respond positively to both pre-application advice and comments from the Design and Conservation team during the application.
- 8.12 Officers would highlight the inclusion of a sensory area adjacent to the proposed bus drop off and collection area and the inclusion of well thought out and considered pedestrian routes to access communal open space within the scheme. The inclusion of these elements embraces officer comments regards “autistic friendly design’ and legibility. They would exceed those measures encouraged under paragraphs 96, 103 and 115 of the NPPF and Policies CS8 and CS12 of the Core Strategy and should provide an exemplar to other developments within the Borough.

Impact on Heritage Assets

- 8.13 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a legal duty on the local planning authority under Section 66 to consider, when determining applications for development affecting listed buildings, to pay special regard to the desirability of preserving or enhancing the buildings special interest or its setting. In respect of development affecting buildings or land in a Conservation Area special attention should be paid to the desirability of preserving or enhancing the character and appearance of that area under Section 72 of the Act.
- 8.14 The site is located on the edge of the Long Marston Conservation Area and to the south of the grade II listed Loxley Farm. The site also falls within an identified Area of Archaeological Significance on the edge of Long Marston. The Council needs to carefully consider the impact of development upon heritage assets in accordance with The Planning (Listed Buildings and Conservation Areas) Act 1990, in the context of the NPPF and Policy CS27 of the Core Strategy.
- 8.15 The application is accompanied by a Heritage Impact Assessment undertaken by KDA Archaeology. This report concludes that the proposed development would have a neutral or positive impact on the setting of the Long Marston Conservation Area and no impact upon the historic character, appearance and setting of the grade II listed Loxley Farm to the north of the site. It also considers that the impact on below ground archaeology is likely to be low, but mitigation can take the form of an Archaeological Watching Brief if required by the LPA
- 8.16 The Long Marston Conservation follows the settlement pattern and is linear in nature. The historic character of the village of Long Marston is described in the Draft Conservation Area Appraisal for the village as “essentially that of an isolated agricultural settlement with medieval origins”
- 8.17 The core of the village has shifted “eastwards to the main road from Tring to Wingrave leaving the medieval origins to gently fade away at the end of Chapel Lane” The preponderance of farmsteads in the heart of the village is described as unusual within Hertfordshire and is identified as a key contributor to the character and appearance of the village.

- 8.18 The Draft Conservation Area Appraisal highlights that farmsteads within the heart of the village often have barns close to the road as are a number of properties around the crossroads. Some of the key features of the Conservation Area are identified at paragraph 5.2 of the Draft Conservation Area Appraisal and include the relationship between properties and the highway, the use of local and traditional materials (timber frame and brick or stained weatherboarding with clay tiles or slate roofs) and boundary treatments (hedges and low walls). The appraisal identifies the negative impact of traffic and parking from through traffic and congestion at Station Road upon the Conservation Area.
- 8.19 The proposed development is located outside of the boundary of the Conservation Area and would contribute to the mix of residential development within the village. The proposals embrace some of the key characteristics of the Conservation Area in terms of its layout and materials, albeit with a more contemporary approach. The proposed dwellings feature strong asymmetrical gable roof forms and a number of similar examples within the Conservation Area are referenced within the applicants Design and Access Statement to justify this approach to development.
- 8.20 The proposals are considered to result in limited harm to the appearance of the Conservation Area. Whilst there would be a slight loss of pastoral setting to the village and the Conservation Area, the design of the development is appropriate and the proposals would seek to address some of the negative influences of the Conservation Area such as those associated with traffic.
- 8.21 In terms of archaeological deposits, KDA Archaeology undertook extensive trial trenching in respect of Loxley Stables to the north of the site when this site was developed. They discovered a small number of post medieval to modern deposits. They do not anticipate that any significant archaeological deposits will be found when developing the application site based on these findings and historical mapping of the village, albeit there is evidence on maps dating from 1766 that buildings may have stood in or near the north-eastern corner of the site.
- 8.22 The County Archaeology Unit indicates that since the site has been in agricultural use throughout the later post-medieval period, and is currently undisturbed grassland, any archaeological remains present are likely to be well preserved. The development should be regarded as likely to have an impact on significant heritage assets of archaeological interest.
- 8.23 It is considered that the development of the site would result in less than substantial harm to heritage assets when assessed under the NPPF and Policy CS27 of the Core Strategy; primarily in view of the potential impact on archaeology. This would clearly be outweighed in this case by the public benefits arising as a result of this development. These benefits include the delivery of homes, open space and bus infrastructure. A scheme for archaeological investigation and recording will be secured by condition.

Access and Parking

- 8.24 The proposals involve the construction of a new access onto Astrope Lane to serve the residential development of nine dwellings and the creation of a bus drop off and turning area and pedestrian link to the adjacent primary school.
- 8.25 The new bus drop off area has been proposed along Astrope Lane with the intention of addressing a significant traffic congestion issue that the village has at the beginning and end of the school day as a result of the existing school bus dropping off pupils directly outside Long Marston primary school and obstructing the free and safe flow of traffic on Station Road and blocking up the crossroads at Station Road/Astrope Lane. This new bus

drop off and collection area has been developed in consultation with both the primary school and A1 Bus and Coach Ltd, the operator of the school bus route, and is seen as a significant benefit to both parties as set out within the Updated School Access Strategy.

- 8.26 There are no objections to the access and parking arrangements for this development from Hertfordshire Highways in their capacity as highway authority.

Access and Egress

- 8.27 Visibility splays in accordance with the recommendations of the highway authority can be provided at the entrance to the residential development and to the proposed bus drop off and collection point and as a consequence should allow the safe access and egress for vehicles to the application site in accordance with Policy CS9 of the Core Strategy. These can be achieved without resulting in the significant removal of vegetation at the boundary of the application site and without any harm to the rural character and appearance of Astrope Lane.

- 8.28 The proposed access to the residential element of the proposals would be constructed to a width appropriate to access a scheme of nine residential properties in accordance with the advice within Hertfordshire County Council - Place and Movement Planning Design Guide and its predecessor "Roads in Hertfordshire" The volume of traffic associated with a development of this scale is not considered to have a significant detrimental impact upon the volume of traffic on Astrope Lane and is considered to be appropriate in accordance with Policies CS8, CS9 and CS12 of the Core Strategy. The internal road layout is designed to be utilised as a shared space and should result in low traffic speeds within the street. Pedestrian movements within and around the site are prioritised in accordance with Policies CS8 and CS12 of the Core Strategy with a number of public footpath connections established through the site towards the primary school, Station Road and the neighbouring countryside to the west of the site. These will connect with the existing east-west public right of way across the site, the condition of which will be improved as a result of development.

Bus Access and Sustainable Transport

- 8.29 The bus layby has evolved during the determination of this case from an on-street bay on Astrope Lane to the provision of a dedicated bus drop off and collection point completely within the application site. The access and turning area has been subject to an independent Road Safety Audit. This has been scrutinised by Hertfordshire Highways and is considered to be appropriate to provide a safe and convenient drop off area thereby reducing the need to utilise Station Road with the incumbent delays to other vehicles thereon. Vehicle tracking diagrams demonstrate that there is sufficient space in which to enter and exit this area in a forward gear and its use is supported by the bus operator. The development prioritises the need of other road users and passenger transport over the private car with significant space provided for pedestrian links. Consideration around child safety, well-being and sensory processing issues have informed the design of the drop off area and footpath links with a reduction in plot 9 being provided to enhance the public realm within the site.
- 8.30 The proposals would see the existing public right of way (east-west) across the site improved and resurfaced with the issue of pooling water adjacent to 3 Loxley Farm Stables being addressed. A safe footpath link would be introduced between the bus drop-off/ collection area of the school thereby encouraging more use of sustainable travel options.

Car Parking

- 8.31 The development, as set out in Policies CS8 and CS12 of the Core Strategy, is expected to provide sufficient, safe and convenient car parking based on the car parking standards in the Car Parking Standards SPD (2020)
- 8.32 The application site is located within Accessibility Zone 3 for the application of car parking standards under the Car Parking Standards SPD (2020) The Car Parking Standards SPD (2020) would expect the allocation of 2.25 spaces per 3-bedroom dwelling and 3 spaces per 4-bed unit to be provided for this development. This equates to a total provision of 24.75 spaces. The proposed development would provide a total of 2 off street allocated car parking spaces per residential unit with a further nine spaces provided as visitor spaces around the public open space within the centre of the site. In total 27 car parking spaces would be provided representing a minor over provision (2 spaces) in car parking against the adopted standards.
- 8.33 The overall level of car parking provided on the application site for the occupants of the scheme is considered to be appropriate having regard to the advice in the Car Parking Standards SPD (2020). The level of car parking is not considered to undermine the objectives of sustainable transport policies which are fully embraced within the development in accordance with Policies CS8 and CS12 of the Core Strategy. The additional parking would be adaptable and allow for some extension and growth in the occupancy of the proposed dwellings as family composition changes without undermining the design principles behind the development.

Flood Risk and Drainage

- 8.34 The NPPF advice on meeting the challenges of climate change, flooding and coastal change is set out in Chapter 14 of the NPPF. The key paragraphs therein are those at paragraph 170 and 172. Paragraph 172 of the NPPF clarifies that all sources of flood risk should be considered with the primary objective of directing new development towards areas of lower flood risk.
- 8.35 In determining planning applications, local authorities should ensure that there is no increase in flood risk to development off-site as a result of development in accordance with paragraph 181 of the NPPF. Paragraph 182 explains that where development could affect drainage on or around the site this should incorporate sustainable drainage systems to control flow rates and reduce volumes of run-off proportionate to the nature and scale of the proposals.
- 8.36 Further guidance on Flood Risk is contained within the National Planning Policy Guidance (NPPG) on Flood Risk and Coastal Change. "Flood risk" is a combination of the probability and the potential consequences of flooding from any source.
- 8.37 The application is accompanied by a Flood Risk Assessment undertaken by Price Myers and additional information has been provided through the submission of a Flood Risk Mitigation Addendum. This Addendum includes a survey of the condition of ditches on Astrope Lane and to the north-west of the site/ rear of Chapel Lane. Additional drainage calculations have been submitted in accordance with the advice from the Lead Local Flood Authority (LLFA).
- 8.38 The overall conclusions are that the site can developed so as not to be at risk of flooding nor increase the risk of flooding elsewhere. This has resulted in no objections being raised by the LLFA subject to the conditions set out in their response in Appendix A.

Sources of Flood Risk

Fluvial Flood Risk

- 8.39 The application site is primarily located within Fluvial Flood Zone 1 with a small section adjacent to the western boundary of the site within Flood Zone 2¹. Developments within Flood Zone 1 are considered to be at low risk of flooding.

Groundwater Flood Risk

- 8.40 The site is considered to be at moderate risk from groundwater flooding given that the ground is made up of chalk bedrock with clay, silt and sand deposits. The site has been subject to groundwater monitoring with the highest groundwater identified as 0.59m below ground level. The extent of the risk for groundwater flooding is extensive across the central and western areas of the village.

Surface Water Flood Risk and Overland Flows

- 8.41 The Environment Agency Surface Water Flood Risk maps show that the site is at low-medium risk of surface water flooding with the adjacent land to the north east of the site boundary at high risk of surface water flooding. The application proposes SuDs along this boundary with the aim of alleviating any surface water flooding and levels will be designed to retain surface water run-off within the site prior to discharge at a restricted rate.

Analysis

Analysis – Sequential Assessment

- 8.42 The Council needs to consider the area in which to apply any sequential test for the assessment of individual planning applications. The search area in this case is limited given that part of the proposals seek to address localised issues with access to the adjacent primary school and that development is necessary to sustain the vitality and viability of the village of Long Marston and thus should be located in a sustainable location and natural extension thereto.
- 8.43 Having reviewed the information provided and the available flood risk maps, the site appears as an island between notable sources of flood risk. It is one of two sites identified as being available for housing within the Strategic Housing Land Availability Assessment 2016 (TW/25) with the other having already being developed.
- 8.44 It is clear that there are no sequentially preferable sites for the location of this development within the village of Long Marston or at the periphery of the village that would be at lower risk of flooding than the application site and capable of accommodating the scale of development envisaged in this scheme. The site is at low risk from fluvial flooding (Flood Zone 1) and within the site itself, the access and dwellings are located outside of the extent of Zone 2 (Moderate Risk) flooding. The site itself also appears to be located beyond the area most susceptible to surface water flooding adjacent to the culvert and river course in Station Road /Tring Road. The proposals would therefore not conflict with the advice in paragraph 172 of the NPPF and NPPG on Flood Risk directing development to areas of lower risk and would pass a sequential assessment to flood risk.

¹ Environment Agency Flood Risk Maps for Planning.

Flood Mitigation and Drainage

- 8.45 The applicants Drainage strategy seeks to restrict the run-off from the development below the level expected from a Greenfield site through the use of on-site SuDs. These SuDS include the provision of a detention pond and swales upon the site and these form an important element of the communal green space and outdoor amenity area. Further details of the management and long-term maintenance of the drainage and associated infrastructure will be secured by a planning condition and/or legal agreement.
- 8.46 The preferred route of discharge would then be to direct water along the Astrope Lane ditches away from the site and the village. Surface water will outfall into the existing surface water ditch to Astrope Lane (or other ditches) at a controlled rate via a flow control chambers. The proposed flow rate is a reduction of approximately 62% from the 1:100 year storm event flow rate under current Greenfield site conditions.
- 8.47 Beyond the site, a number of off-site mitigation measures are proposed to clear and regrade ditches to ensure that water flows away from the village of Long Marston. These are set out within the submitted Flood Risk Mitigation Addendum.
- 8.48 The Astrope Lane ditch and others around the application site have been surveyed. The survey report established that there were a number of obstructions in the ditches between the application site and the point of discharge into the downstream watercourse. These include blockages at three key locations and a number of other more minor ditch blockages. The flow of water is being restricted at pedestrian crossovers, vehicular crossovers and as a result of tree debris in the ditch and a lack of maintenance thereto. The applicants propose to clear these ditches as part of the drainage strategy and as set out in drawings P200-SK04 and P200-SK05
- 8.49 LiDAR data² and topographical level surveys demonstrates that a number of existing routes are intended to carry surface water towards the south-west towards Tring Bourne and away from the village of Long Marston. The LiDAR data indicates that alterations and regrading of the site and ditch are achievable.
- 8.50 The preferred route of discharge for surface water would be along the Astrope Lane ditches, although a range of options to deal with surface water run-off are included within the submitted Flood Risk Mitigation Addendum..
- 8.51 The drainage route options have been reviewed by the LLFA and the Council and are considered to provide a number of feasible options to drain surface water from the site such that it does not pose a risk of flooding to neighbouring properties. These options can be used either in isolation or combined to address flood risk in the locality.
- 8.52 LiDAR topographical information has been provided to demonstrate the existing site levels and to provide an indication of the extent of alterations required in order to create a feasible flow route from the application site and away from residents. This data indicates, as identified by the owner of 3 Loxley Stables, that there will be a need to manipulate ground levels both within the application site and adjacent drainage routes in order to flow towards the Gudgeon's Stream/Ashen Brook.

² LiDAR' is an airborne mapping technique that measures the height of the terrain and surface objects on the ground, allowing highly detailed terrain models to be generated at spatial resolutions of between 25cm and 2 metres. It also removes surface objects from the Digital Surface Model to produce a terrain model of just the surface. The vertical accuracy of the LiDAR dataset is +/-15cm RMSE. .

- 8.53 It is important to note that the flood mitigation and drainage strategy is designed so as to not increase the risk of flooding either on site or as a result of this development on neighbouring land and is not proposed to be a solution to existing flooding and drainage issues within the village of Long Marston.

Flood Risk Maintenance Responsibilities and Management

- 8.54 A clear strategy to provide remedial works to ditches and to work with landowners to help clear existing watercourses and address flooded footpath crossings is set out within the Flood Risk Management Addendum submitted with this case. Evidence has been provided that the extent of these works have been agreed in principle with the relevant adjacent landowners who have a riparian responsibility to maintain the ditches adjacent to their land irrespective of the outcome of this planning application.
- 8.55. The Lead Local Flood Authority have suggested a number of planning conditions to be imposed on this permission in the event of the grant of planning permission. These are set out within the response of the LLFA in Appendix A of this report.

The Use of Planning Conditions for Drainage Works and Effectiveness of Remediation Works

- 8.56 The conditions suggested by the LLFA would require off-site works to be undertaken to effectively demonstrate that the Astrope Lane ditch (or other measures in the Flood Risk Mitigation Addendum) had been cleared and could be regraded in order to provide an acceptable drainage solution to manage surface water run-off from the development.
- 8.57 A neighbouring party and the Parish Council contend that in addition to the off-site drainage works being fundamentally flawed, the imposition of planning conditions relating to these works and the imposition of such conditions would be unlawful.
- 8.58 They indicate that it is established law that conditions should only be imposed which can be said to fairly and reasonably relate to the permitted development (see *Menston Action Group v. City of Bradford* 2016 EWCA Civ 796) and that these proposals go well beyond that such that they cannot lawfully be dealt with by conditions. To do so would, in their opinion, be ultra vires.
- 8.59 Although it would be ultra vires to require works which the developer has no power to carry out, or which would need the consent or authorisation of a third party, it may be possible to achieve a similar result by a condition worded in a negative form, prohibiting development until a specified action has been taken (a Grampian condition). Such conditions should only be imposed on a planning permission, if there is a reasonable prospect of the action being performed within the time-limit imposed by the permission.
- 8.60 It has been confirmed by the LLFA that the clearance of the ditches is necessary to achieve an acceptable form of drainage for the proposed development and as such one would contend that the proposals for off-site works would be reasonably related and necessary for the development to be considered acceptable. Furthermore, I am satisfied that given the evidence provided of agreement of riparian owners to undertake the works that there is a reasonable prospect of the necessary remediation work being undertaken within the life of the planning permission.
- 8.61 It is also evident that there is a responsibility on riparian landowners in any event to maintain the ditches in a reasonable condition to allow the free flow of water towards the Gudgeons Stream/Ashen Brook or Tring Bourne and that conditions attached to planning

permission 4/02678/15/FUL arguable require one of the options suggested for drainage of this site to be maintained in any event.

- 8.62 For these reasons, I am satisfied that there is sufficient control to enable both the on-site and off-site works to be maintained in perpetuity. The submitted drainage solution should therefore be considered acceptable in accordance with the NPPF and Policy CS32 of the Core Strategy,

Landscape and Ecology

- 8.63 A key part of the strategy for the development of the site focuses on the creation of a central high quality communal open space planted to enhance the biodiversity of the site and planted with a range of habitat. This approach to ecology and biodiversity does not stop with the soft landscaping areas but extends to the incorporating of habitat within the built form including the provision of biodiversity chimney stacks, green roof and bat and bird bricks; thus allowing co-habitation of wildlife and residents.
- 8.64 The proposed development has been carefully designed to ensure the retention of the trees and hedgerows upon the site and their strengthening with additional landscaping. The majority of the existing trees and located around the perimeter of the site and comprise Field Maples as set out within the submitted Arboricultural Report with two large Poplars located to corner of the site adjacent Martston Court. All of the trees are to be retained although a small section of hedgerow along the highway boundary will be removed to create access to the site. Following amendments to the bus collection area it also appears likely that there will be a need to review whether it is feasible to retain T13 and T14 (Poplars) There should be no objection to the removal of T13 and T14 if considered necessary given that they are identified as being poor quality specimens (Class C3)³ and given that the landscaping of the site would mitigate any loss of trees.
- 8.65 Further details of the landscaping of the site should be secured by planning condition.

Protected Species

- 8.66 The impact of the development on protected species has been considered by the Ecology team at Hertfordshire County Council and their advice is set out in Appendix A below. The advice has considered the Ecological Appraisal undertaken by Cherryfield Ecology. The Ecology team at Hertfordshire County Council (LEADS) have no objection in principle to the grant of planning permission subject to conditions securing the additional works and mitigation measures identified within the Ecological Appraisal.

Chilterns Beechwoods Special Area of Conservation

- 8.67 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.
- 8.68 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). There would also be an obligation upon the developer to pay the contribution required for SAMM

³ Trees categorised in accordance with BS5837:2012 from A (High Quality) to C (Poor Quality) and Conservation Value (1 -3 (No material conservation or cultural value)

Infrastructure

- 8.69 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 applicants are providing significant community benefits on site through the creation of an area of public open space and by through the provision of a school drop off and collection point thereby addressing local infrastructure issues. In addition 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.
- 8.70 In addition to these sums, it is noted that a number of parties have suggested that the developers should provide a contribution towards the on-going management and maintenance of drainage ditches within the locality. This request is not considered to meet the relevant tests to secure contributions and infrastructure improvements under Section 106 of the Town and Country Planning Act 1990 (As Amended). It is not reasonable nor proportionate to the scale of the development proposed nor is it considered necessary given that the Drainage Strategy identifies that the proposals would not increase any flood risk to neighbouring property. The responsibility for maintenance already falls on riparian landowners and is therefore unnecessary. Furthermore, should the Parish Council consider this to be a high infrastructure priority in the area, they would be capable of funding maintenance from their Neighbourhood Proportion of CIL funding as per the purposes of the neighbourhood proportion.

Other Material Planning Considerations

Biodiversity Net Gain (BNG)

- 8.71 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. This application was submitted prior to the requirements for BNG and is therefore exempt from the mandatory requirement for a 10% gain.

Contamination

- 8.72 The Council's scientific officer has been consulted in respect to claims regarding the historic land use of the site and potential for contamination. It is unlikely that the comments of this officer would result in a recommendation for the refusal of the application with such matters normally being addressed by the imposition of planning conditions. A precautionary approach should be undertaken to development on the site and in the event of contamination being encountered it would be recommended that works cease and that this team is consulted.

Housing Land Supply

- 8.73 Our current housing land supply is around 1.04 years and represents an acute shortfall in the delivery and supply of new homes. As the Council is currently unable to provide a 5 year housing land supply in accordance with paragraph 11 of the NPPF (see also paragraphs 78 and 227 of the NPPF) and has a poor record of housing delivery then the tilted balance at paragraph 11 d) of the NPPF is enacted. There are no strong reasons in the NPPF for refusing development on this site nor would any adverse impacts of doing so outweigh the benefits of development when assessed against the policies in the

Framework. In such circumstances the Council is strongly directed towards the grant of planning permission.

Impact on Neighbouring Properties

- 8.74 The residential use of the site should not result in any significant harm to the use of neighbouring property in accordance with Policy CS12 of the Core Strategy. The nearest residential receptors are located to the east of the property at Marston Court and to the north-west of the site at Loxley Stables. The neighbouring properties are located over 25m (approximately) from built development such that there would be no harm to amenity as a result of overlooking, loss of daylight or loss of sunlight in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

Sustainability

- 8.75 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.
- 8.76 The submitted Design and Access Statement sets out how the development will be constructed to a high specification in the interests of energy efficiency and water conservation in accordance with the Building Regulations and to address the requirements under Policies CS29, CS31 and CS32. The objective is a low carbon development appropriate to the village setting and one which utilises natural and sustainable materials in its construction. The proposals focus on thermal efficiency and insulation, with high quality glazing and construction materials. The plans clearly incorporate integrated solar panels on the southern roof slopes to each building whilst the orientation and layout of the dwellings themselves maximises solar gains to provide passive heating in winter whilst controlling over heating in the summer. All dwellings would be provided with EV Charging points in accordance with the Building Regulations and Car Parking Standards whilst space has been incorporated between properties to allow the installation of air source heat pumps.
- 8.77 The focus on providing and improving connectivity through the site, the footpath improvements, dedicated public transport facilities and landscaping of the site are all carefully considered and contribute to a sustainable form of development on the site.

Neighbours Comments

- 8.78 The majority of neighbours and representations in respect of this case express concerns with the implications of the development upon flood risk and highways safety and these have been addressed in some detail in the main body of this report. Other concerns of neighbouring parties not addressed above include the following matters:

Light Pollution

- 8.79 It is considered appropriate to secure a sensitive lighting scheme for the site by condition. The submission and approval of this lighting scheme has been included within the details of landscaping for the site.

9. CONCLUSION

- 9.1 There is a strong case for the grant of planning permission in this instance, given the lack of housing land supply within the Borough and the merits of the proposed development.
- 9.2 The scheme would result in a high quality and sustainable form of residential development which would form a natural extension of the small village of Long Marston in accordance with Policies CS7 and CS12 of the Core Strategy and support the facilities therein. The scale of development is considered to be appropriate and would not result in any significant harm to the character and appearance of the area nor the surrounding countryside. The proposed residential units would make a positive contribution towards addressing the housing target in Policy CS17 of the Core Strategy
- 9.3 The proposed development has been carefully design to ensure that it has a satisfactory appearance that would not detract from the character and appearance of Long Marston village, the Long Marston Conservation Area and listed buildings therein in accordance with Policies CS11. CS12 and CS27 of the Core Strategy,
- 9.4 The delivery of an off-street bus stop to serve the adjacent primary school is considered to be beneficial in both the interests of the character and appearance of the Long Marston Conservation Area and addressing a concern with regards to highways safety and the congestion within the village in accordance with Policies CCS8, CS12, CS27 and CS35 of the Core Strategy.
- 9.5 This can be achieved without resulting in any adverse impact on the amenities of neighbouring properties nor resulting in any increase in flood risk to neighbouring land or the occupants of the development in accordance with Policies CS12, CS31 and CS32 of the Core Strategy.

10 RECOMMENDATION.

- 10.1 That planning permission is **DELGATED** with a **VIEW TO APPROVAL** subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended) and subject to the following planning conditions.
- 10.2 That the following Heads of Terms for the legal agreement are secured.
- The provision of an appropriate SANG contribution in accordance with the Chiltern Beechwoods Mitigation Strategy
 - The provision of an appropriate SAMM contribution in accordance with the Chiltern Beechwoods Mitigation Strategy
 - The provision of a management plan and on-going maintenance strategy for the communal open space
 - A scheme for the provision, long term management and maintenance of the bus stop drop off and collection area and sensory shelter.
 - The provision of fire hydrants to serve the development.

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:

Location Plan

P200_SP_0.00 P6 (Proposed Ground Floor Plan)
P200_SP_0.01 P4 (Proposed First Floor Plan)
P200_SP_0.02 P4 (Proposed Roof Plan)
P200_GA_0.01 P4 (H1 Plans)
P200_GA_0.02 P4 (H2 Plans)
P200_GA_0.03 P4 (H3 Plans)
P200_GA_1.02 P4 (Proposed Elevations H1 and H2)
P200_GA_1.03 P4 (Proposed Elevations H3)
P200_GA_0.04 P4 (H4 Plans)
P200_GA_1.04 P4 (Proposed Elevations H4)
P200_GA_0.05 P4 (H5 Plans)
P200_GA_1.05 P4 (Proposed Elevations H5)
P200_GA_0.06 P4 (H6 Plans)
P200_GA_1.06 P4 (Proposed Elevations H6)
P200_GA_0.07 P4 (H7 Plans)
P200_GA_1.07 P4 ((Proposed Elevations H7)
P200_GA_0.08 P4 (H8 Plans)
P200_GA_1.08 P4 (Proposed Elevations H8)
P200_GA_0.09 P4 (H9 Plans)
P200_GA_1.09 P4 (Proposed Elevations H9)
230526-RAP-XX-XX-DR-TP-3200 (Visibility Splays)
230526-RAP-XX-XX-DR-TP-3201 (Visibility Splays)

Arboricultural Report by Ruskins Tree Consultancy
Badger Survey by Cherryfield Ecology
Design and Access Statement Revision 1 by TAS Architects
Ecology Appraisal and Survey by Cherryfield Ecology
Hedgerow Survey by Cherryfield Ecology
Heritage Statement by KDK Archaeology Ltd
Newt Survey by Cherryfield Ecology
Flood Risk Assessment by Price & Myers
Flood Risk Mitigation Addendum
Reptile Survey by Cherryfield Ecology
Stage 1 Road Safety Audit by Rappor
Transport Assessment/Statement by Rappor
Addendum – Updated School Access Strategy

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

3. No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

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

- 4. No development shall take place until full details of the finished slab, floor and ridge level in relation to existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to ensure that properties are adequately protected from flood risk in accordance with Policy CS12 and CS31 of the Core Strategy (2013)

- 5. No construction of the buildings hereby permitted 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;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- tree protection measures
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and
- means of enclosure

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

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

Reason: The condition is required prior to the commencement of works to ensure that the building is appropriately located on the site having regard to the change in topography. The condition is required to ensure a satisfactory appearance to 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

- 6. The dwellings hereby approved shall not be occupied until full details of any external lighting have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of lux levels within the site. The development shall be constructed in accordance with the approved details and no exterior lighting shall be provided thereafter without the express authorisation of the Local Planning Authority.**

Reason: In the interests of the visual amenities of the area in accordance with Policy CS12 of the Core Strategy.

- 7. No development shall take commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:**

- 1. The programme and methodology of site investigation and recording**
- 2. The programme and methodology of site investigation and recording as suggested by the evaluation**
- 3. The programme for post investigation assessment**
- 4. Provision to be made for analysis of the site investigation and recording**
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: To ensure that appropriate measures are undertaken to ensure the monitoring, preservation and recording of archaeology deposits or artefacts in accordance with the NPPF and Policy CS27 of the Core Strategy.

- 8. The development shall take place in accordance with the Written Scheme of Investigation approved under Condition 7.**

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that appropriate measures are undertaken to ensure the monitoring, preservation and recording of archaeology deposits or artefacts in accordance with the NPPF and Policy CS27 of the Core Strategy.

- 9. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. An appropriately assigned ecological clerk of works should be appointed to undertake all activities, and works shall be carried out, in accordance with the approved details. The CEMP shall include the following:**

- Fully assessing the impact on reptiles following the measures stated in section 4.3 of the reptile report.**
- Appropriate mitigation for badgers that may have colonised the site.**
- The location and timing of sensitive works to avoid harm to nesting birds.**
- 2m buffer zone, and protection of the species-rich hedgerow.**
- The role and responsibilities on site of the ecological clerk of works (ECoW).**

The development shall be undertaken in accordance with the approved details.

Reason: To ensure the adequate protection of ecology in accordance with the NPPF and Policies CS26 and CS28 of the Core Strategy (2013)

10. **A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.**

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the adequate protection of ecology in accordance with the NPPF and Policies CS26 and CS28 of the Core Strategy (2013)

- 11 **Prior to the commencement of development, a final, detailed surface water drainage strategy will be submitted to and approved by the Local Planning Authority. The final drainage strategy shall include:**

- Final construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms.

- Confirmation of a final, clear outfall route from the site to Gudgeon Stream or Tring Bourne, downstream of Long Marston. This shall include a detailed survey of the proposed ditch route post-remediation, demonstrating flows from the site will be unobstructed.

- Detailed hydraulic network calculations for all storm events up to and including the 1 in 100 year + 40% climate change event, using a CV of 1 and FEH2013 or 2022 rainfall data.

- Consideration of a further reduced discharge rate through provision of additional attenuation on site.

- Detailed design of the access road crossing arrangement including impact assessment to demonstrate no adverse impact on local drainage.

The scheme shall then be constructed as per the FRA & Drainage Strategy prepared by Price & Myers, reference 29042 Revision P1 and the approved details and remain 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 Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Dacorum Borough Council. The proposed discharge rate is acceptable; however, in light of local drainage issues we recommend a further reduced rate could be considered under condition.

12. **Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for monitoring and maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris**

and sediment to any receiving watercourse or sewer system for the duration of the construction phase. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority.

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

- 13. Prior to the first occupation of the development, a detailed verification report shall be submitted to and approved (in writing) by the Local Planning Authority, appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme. The verification report shall include a full set of “as built” drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.**

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Dacorum Borough Council.

- 14. Prior to the commencement of the development, details of all flood resilient and resistant measures (such as raised Finished Floor Levels) shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall then be installed and maintained in perpetuity.**

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Dacorum Borough Council.

- 15. No building hereby permitted shall be occupied until a management and maintenance plan for the long term management and maintenance of the sustainable drainage system for the site has been submitted to and approved in writing by the local planning authority. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 181 of the National Planning Policy Framework (2024).

- 16. Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the accesses where it meets the highway and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 17. Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing numbers 230526-RAP-XX-XX-DR-TP-3201 and 230526-RAP-XX-XX-DR-TP-3200 in accordance with details/specifications to be submitted to and approved in writing by the highway authority at the section agreement stage. Prior to use appropriate**

arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

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

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

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).

- 19 No development shall take place prior to the submission to, and agreement of the Local Planning Authority of a written Preliminary Environmental Risk Assessment Report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**

If the Local Planning Authority is of the opinion that the report indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until an Intrusive Site Investigation Risk Assessment Report has been submitted to and approved by the Local Planning Authority which includes:

- A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
- 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.

- 20. No development approved by this permission (other than that necessary for the of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of Condition 19, above; has been submitted to and approved by the Local Planning Authority.**

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

- 21. 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 conditions 19 and 20 above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme and**
- ii. A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

Reason: To ensure that 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.

- 22 Any contamination, other than that reported by virtue of condition 18 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

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

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

- 23 No construction of the superstructure shall take place until details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. These details shall reflect those principles identified in the Sustainability section of the submitted Design and Access Statement. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 164 and 166 of the National Planning Policy Framework (2024).

- 24 The dwellings 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 2024) and in accordance with Policy CS29 of the Dacorum Core Strategy (2013).

- 25. 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 Classes A, B, E and F

Schedule 2 Part 2 Class A and B

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and in the interest of flood risk in accordance with Policies CS12 and CS31 of the Dacorum Borough Core Strategy (2013) and Paragraphs 135, 181 and 182 of the National Planning Policy Framework (2024)

INFORMATIVES

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) Order 2015

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 or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

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

Construction Dust Informative

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

Waste Management Informative

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

Invasive and Injurious Weeds - Informative

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

Protected Species

If 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.

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 |
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| Councillor Smith-Wright | <p>I am formally calling in this application on behalf of many concerned residents. The proposed development poses an immediate and severe threat to the communities of Long Marston and Astrope Lane.</p> <p>As we discussed this morning. This area is already struggling with a precarious flood risk due to its high-water table, the unpredictable discharges from the canal network managed by the Canal and River Trust. Coupled with the worsening effects of climate change, these communities are sitting on a flooding time bomb. I will be discussing this situation we are facing with our new MP Victoria Collins.</p> <p>In my opinion. This development will only heighten that danger. The suggested drainage system in the proposal depends on the ditches being dug out, adjacent to Long Marston homes. Which is the last thing Long Marston needs.</p> <p>Also, the proposal is suggesting using privately owned land, then requiring landowners ongoing to regularly clear ditches of debris, fallen trees, and even large obstructions like tree roots. To be honest—this is currently unrealistic and unreliable. Furthermore, we have yet to hear back from the 30 landowners TRPC and EA contacted about clearing ditches. How can we entrust the safety of these vulnerable areas to such uncertain measures?</p> <p>The River Bourne is already struggling to manage existing water levels, and this development, planning to discharge water risks overwhelming it further. Historically, this site served as a vital soakaway to protect the residents of Marston Court and Long Marston from flooding. To think they might lose that protection is unacceptable.</p> |

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| | <p>The current reliance on developer assumptions is dangerously inadequate. These are not flooding experts; they are developers with profit-driven priorities. Lives and homes are at stake, and this should be in the hands of those who understand the complexity of flood management, in a flood risk area, not those trying to push a development through. I strongly urge Dacorum to engage a qualified, independent flood management expert to design a proper strategy for these kinds of developments. The LLFA are clearly overwhelmed.</p> <p>Additionally, there seems to be confusion over whether the ditches and gullies in question serve highways or private properties. This ambiguity is troubling, especially given Astrope Lane’s persistent flooding issues. Adding the wastewater of 10 more households—washing machines, dishwashers, baths—will only intensify an already desperate situation.</p> <p>Resident’s other concerns relate to the proposed school bus turning point. This is dangerously close to the Long Marston Junction, an area already fraught with chaotic and unsafe conditions due to parked cars, commuter traffic, and a heavy flow of HGVs heading to the Cheddington Industrial Estate. The idea of unloading children into this environment is alarming and completely reckless. And should not be part of a planning application anyway.</p> <p>Concerns also relate to the traffic on these narrow lanes which has become unbearable, with more and more vehicles cutting through from High Wycombe to Milton Keynes and the M1. This development will only add to the strain onto this ‘local access’ road that are simply not built for this volume or type of traffic. The road has been potholed for months... there are areas of Astrope Lane with deep ridges and crumbling edges yet to be fixed by HCC. Who do not have the funds to carry out remedial work</p> <p>Finally, I would also like to point out that this site itself is home to two healthy, protected Black Poplar trees, which are now at risk of being destroyed. These trees are part of our heritage and our environment—they must not be sacrificed for short-term gain.</p> <p>In my view, this development represents blatant overdevelopment of a small, fragile site. It will bring long-term flooding risks and traffic hazards to our community, and I urge Dacorum to carefully reconsider supporting this application.</p> |
| <p>Tring Rural Parish Council</p> | <p><u>October 2024</u></p> <p>The Parish Council notes that the revised submission still intends to dispose of excess water from the site via the ditch in Astrope Lane; a ditch designed to keep water off the road.</p> <p>It is unclear from the information provided how the water will move freely from this ditch either: into the channels that skirt the Braid or, via other ditches into the Gudgeon Stream.</p> <p>Our concern with this plan is that the flooding would be displaced rather than prevented, threatening homes adjacent to the Braid and properties / land alongside the Gudgeon Stream. Without detailed</p> |

hydrological modelling to show how this proposed rerouting of excess water would impact the Parish we remain opposed to this development.

We endorse the considered response of Tring Rural Flood Working Party (TRFWP) who similarly fear that flooding issues will simply be transferred to other parts of the Parish.

We also endorse their suggestion that should the LLFA not share our joint misgivings over flooding displacement and hence be minded to remove their objections to this development, that the developers be required to/ should be asked to contribute a sum of money to the Parish Council.

This sum of money will be retained for use in the event that our fears are realised and remedial action is necessary to alleviate / prevent flooding. In our view this should be a six figure sum

July 2024

This is probably the most important planning application to affect the village of Long Marston in recent years. Planning Officers will be aware that Tring Rural Parish Council (TRPC) has expressed concerns about the land drainage issues associated with the proposed development site, and in its initial submission emphasised the importance of independent professional advice.

In correspondence the Planning Officer allocated to this application conceded that Dacorum Borough Council lacked that expertise and relied upon the input of Hertfordshire County Council in its capacity as Local Lead Flood Authority (LLFA). TRPC was therefore dismayed that without a site inspection the LLFA provided desktop submissions and failed to provide the necessary independent input, such that TRPC had to consider obtaining its own independent advice.

Those submissions appeared to contradict the previous pre-application advice. It was only following local objections as well as the land drainage issues at the nearby development at Astrope House (21/02015/FUL) that officers from the LLFA were persuaded to carry out a site inspection, whereupon the submissions were altered to recommend that the application is refused until engineering works were carried out to ensure the free flow of the ditches in Astrope Lane.

This was something which the applicants had indicated in the documents submitted with the application was not viable, as in particular it would require access to third party land and the consent of its owners as well as possibly the Highway Authority. In recommending refusal of the application, the LLFA was no doubt mindful of the illegality in planning law of passing an application with conditions which an applicant is unable to comply with as being outside the development site (see *Meston Action Group v. City of Bradford MDC* 2016 EWCA Civ 796).

TRPC consider it important to remind Planning Officers as well as the members of the Development Management Committee of the above

history. It is understood that the applicants are now being afforded the opportunity to provide revised proposals for the drainage of the site in the light of the LLFAs objections. Bearing in mind the importance and complexity of this planning application, as well as the local controversy concerning it, TRPC seek the assurance of the Local Planning Authority that any revised drainage or associated proposals from the applicants will be submitted for further public consultation, so that TRPC and others are afforded a similar opportunity to respond.

13th March 2024

On its initial submissions Tring Rural Parish Council (TRPC) expressed concern about the drainage from this site and the increased flooding risk. We highlighted the importance of independent advice. In correspondence a senior planning officer (James Doe) stated that such advice would be obtained from the Local Lead Flood Authority (LLFA) whose submissions he said would be crucial to the application. TRPC expressed concern about the initial advice as it seemed to contradict earlier pre-application advice and took no account of the circumstances on the ground as is well known to Long Marston residents.

We had taken steps to obtain our own professional drainage advice. As the LLFA have now made fresh submissions recommending that planning permission be refused we no longer deem it necessary to obtain our own report and we are content to rely upon those revised submissions by the LLFA.

We assume that planning officers will now recommend to the Development Management Committee that the application is refused, and upon that basis we no longer seek any delay in the consideration of the application.

We note the revised plans for the school bus turning point. Consideration of this is probably now otiose, but in any event any potential benefits which might arise from this should not affect the overriding consideration of the drainage and flooding issues. For the record TRPC would support any steps to improve arrangements for not just the school bus but also for parents dropping off and collecting children by car, although it is noted that some in the village have expressed concern that the proposals in this application would have exacerbated the existing traffic problems at the dangerous junction of Astrope Lane/Station Road/Cheddington Lane.

This application has revealed wider concerns about how drainage and flooding issues on planning applications are dealt with. This is a matter which TRPC will be considering and we are likely to be making representations to planning officers as well as to our elected Borough Councillors

4th March 2024

The original submissions on this application by Tring Rural Parish Council stressed the importance of independent advice on the flood risk and surface water drainage issues. Unfortunately members of the council have lost confidence in the submissions by the Local Lead

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| | <p>Flood Authority in view of their contradictory advice compared with the pre-application advice and their over reliance upon the SUDS drainage strategy in the applicants Flood Risk Assessment. This has only recently come to light.</p> <p>In the circumstances the council have instructed their own drainage engineer to prepare a report and would wish to make further submissions on the flood risk alongside their response to the revised plans for the bus stop.</p> <p><u>September 2023</u></p> <p>The Village of Long Marston has a long-standing flooding issue. It is on this basis that the Parish Council oppose the application as there is belief amongst some Councillors that the proposed flood mitigation will be inadequate to prevent flooding to nearby neighbouring properties.</p> <p>Any development of this site would seem to be contrary to section 14 of The National Planning Policy Framework (NPPF) published on 5th September 2023.</p> <p>The proposed flood mitigation plans rely on the maintenance of ditches to divert water away from existing properties. This maintenance is outside the control of the developers (para 7.5) and in the event that appropriate maintenance is not undertaken undermines the proposal.</p> <p>Paragraph 159 of NPPF 2023 provides "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)."</p> <p>Paragraph 162 goes on to state "Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". It is submitted that development could take place within the Parish at lower risk location.</p> <p>The Council would welcome an independent experts report</p> |
| Lead Local Flood Authority | <p><u>October 2024</u></p> <p>We have reviewed the application as submitted and as this is a non-major application, the LLFA would like to provide the advice below. The Full Planning Permission application is for the construction of 9 new dwellings, comprising a mix of 3-bed, and 4-bed units with a new pedestrian link and nature trail connecting Astrope Lane to Long Marston Primary School with a hardstanding area of the school bus stop. The LLFA will respond to minor planning applications if there is a local source of flood risk identified. An FRA for minor developments is required if they are located within or in close proximity to a surface water flow path or are considered to be in Flood Zone 2 or 3 for fluvial flooding. The LLFA will also respond, as in this case, where there is evidence of historic flooding set out in the SFRA, and/or a Surface Water Management Plan and/or located within an LLFA defined 'hotspot'</p> <p>The LLFA have identified the site is adjacent to a surface water flow</p> |

path, therefore appropriate flood resistance and resilience measures should be considered within the development. A minimum of 150mm freeboard between the finished floor level and external ground levels is recommended. All ground levels should be sloping away from vulnerable areas such as doorways or essential infrastructure such as pumping or electrical sub stations. If any parts of the development cannot be accessed during a flood event e.g. the road adjacent to the site, the applicant should consider creating an emergency plan to ensure safe access and egress routes. Water resilient design could also be used in the buildings e.g. raised electrical sockets and air bricks. The LLFA notes that this proposed development has received pre-application advice. This outlined that a connection into the Astrope Lane ditch would require the applicant to carry out significant remedial and maintenance works to the ditch along with obtaining all necessary permissions for crossing of third-party land. The applicant would also be required to obtain permission for crossing third-party land if a connection to Tring Bourne was to be chosen.

We are aware of significant concerns from local residents regarding the condition of the ditches adjacent to Astrope Lane. In consideration of these concerns, we conducted a site visit on 04 March 2024 to review the viability of the ditches as an outfall location. This resulted in an objection letter on 05 March 2024 due to the very poor condition of local ditches. The ditch contained a series of obstructions including blocked culverts, and the ditch was unable to flow

Since the 05 March 2024 letter we have now been consulted on a Flood Risk Mitigation Addendum and amended ground floor plan. We are pleased the amended ground floor plan shows the bus and pedestrian access crossing is now proposed to be a clear span arrangement instead of the previously proposed culvert.

We would advise the LPA that the applicant has now surveyed the ditch along Astrope Lane and provided a report of the various obstructions along its route.

We would advise the applicant of an inaccuracy in the report, in that the river labelled "Tring Bourne" is in fact the Gudgeon Stream/Ashen Brook. The true Tring Bourne is the main river to the west of the site, across the Braid, south and west of Chapel Lane. Section 2 – Condition Report Summary shows the Tring Bourne at the northwest, approximately where the existing footpath leaves Field 03 to the northwest. For avoidance of doubt, please consult the EA Statutory Main River Map for further information.

In Section 8 – Outfall Routes, the applicant refers to LIDAR data and topographical surveys demonstrating the proposed routes are achievable. We recommend that the LPA should be in receipt of and consider this information for completeness.

In Section 9 – Agreement to Proposed Remedial, Ditch Drainage and Footpath Works, the applicant states that consent for the off-site works to carry out the necessary clearance of ditches along Astrope Lane has been formally agreed with the relevant landowners. We recommend that the LPA should be in receipt of evidence of these agreements.

We are supportive in principle of the proposed off-site measures to clear the relevant ditches including clearance/repair/replacement of existing culverts, removal of obstructions and re-grading. We note that a 300mm (TBC) culvert is proposed at location 08. We recommend a minimum diameter of 450mm as per the CIRIA culvert, screen and outfall manual. Please see informative at the end of this letter regarding riparian responsibilities.

On drawing P200-SK05, there is reference to connections via “furrows” and the forming of furrows if required. This option is less clear, and details of the proposed furrow design (as well as surveying of this field – Field 03) will be necessary to demonstrate an effective route. The “furrows”/shallow ditches would need to be appropriately sized to convey the flows from the Astrope Lane ditch.

Regarding the option to discharge to the Tring Bourne, please note that as per the pre-application advice given in 2021, the connection point should be downstream of Long Marston village, at the end of Chapel Lane.

Noting the limited capacity of local ditches, we previously recommended that supporting calculations be informed by FEH2013 or FEH2022 rainfall data instead of FSR, in the interests of taking a conservative approach. This has not yet been provided. We recommend that calculations described above should be provided at this stage, however there is available space on site to increase the attenuation provision as required under condition if necessary. If calculations using these parameters are provided in advance of a decision being made, we would be pleased to review them.

Noting the applicant has considered our previous objection letter, conducted a survey of relevant ditches/culverts and proposed a scheme of works to restore the condition of these systems, if the LPA decide to grant planning permission the following conditions should be attached to the decision.

Condition 1 – Final drainage strategy

Prior to the commencement of development, a final, detailed surface water drainage strategy will be submitted to and approved by the Local Planning Authority. The final drainage strategy shall include

- Final construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms.
- Confirmation of a final, clear outfall route from the site to Gudgeon Stream or Tring Bourne, downstream of Long Marston. This shall include a detailed survey of the proposed ditch route post-remediation, demonstrating flows from the site will be unobstructed.
- Detailed hydraulic network calculations for all storm events up to and including the 1 in 100 year + 40% climate change event, using a CV of 1 and FEH2013 or 2022 rainfall data.
- Consideration of a further reduced discharge rate through provision of additional attenuation on site.
- Detailed design of the access road crossing arrangement including

impact assessment to demonstrate no adverse impact on local drainage.

The scheme shall then be constructed as per the FRA & Drainage Strategy prepared by Price & Myers, reference 29042 Revision P01 and remain 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 Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Dacorum Borough Council. The proposed discharge rate is acceptable; however, in light of local drainage issues we recommend a further reduced rate could be considered under condition.

Condition 2 – Construction phase drainage strategy

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

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

Condition 3 – Post-development verification

Prior to the first occupation of the development, a detailed verification report shall be submitted to and approved (in writing) by the Local Planning Authority, appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme. The verification report shall include a full set of “as built” drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Dacorum Borough Council.

Condition 4 – On-site flood resilience measures

Prior to the commencement of the development, details of all flood resilient and resistant measures (such as raised Finished Floor Levels)

shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall then be installed and maintained in perpetuity.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Dacorum Borough Council.

Informative:

We encourage the LPA to ensure it has considered the views of the Tring Rural Flooding Working Party.

As above, the LLFA is supportive of the applicant's proposal to improve local conveyance and connectivity through ditch maintenance, clearance and re-grading and the maintenance/repair of various culverts. Please note that whether permission is granted or not, local landowners have riparian responsibilities to maintain ditches and associated culverts on or adjacent to their respective land/property. This includes the ditches adjacent to Astrope Lane, proposed to be cleared and improved by the applicant. This applies to the applicant and to other landowners on Astrope Lane.

The LLFA intend to write to local landowners in the vicinity of Astrope Lane and the wider area in the following weeks to this effect.

We are in receipt of concerns from local residents around the proposals potentially resulting in removal of black poplar trees. Section 3 – Conditions: Area 1 also refers to timings to consider recommendations by ecologists for bird nesting and Great Crested Newts (GCN). The LLFA is not able to advise on this and so would suggest the LPA seek ecological/arboricultural advice as required.

March 2024

We have reviewed the latest information submitted by the applicant, which includes elevations, a road safety audit, footpath and bus strategy and ground floor site plans. We have no comment on these documents.

The LLFA will respond to minor planning applications if there is a local source of flood risk identified. An FRA for minor developments is required if they are located within or in close proximity to a surface water flow path or are considered to be in Flood Zone 2 or 3 for fluvial flooding. The LLFA will also respond, as in this case, where there is evidence of historic flooding set out in the SFRA, and/or a Surface Water Management Plan and/or located within an LLFA defined 'hotspot'

The LLFA have identified the site is adjacent to a surface water flow path, therefore appropriate flood resistance and resilience measures should be considered within the development. A minimum of 150mm freeboard between the finished floor level and external ground levels is recommended. All ground levels should be sloping away from vulnerable areas such as doorways or essential infrastructure such as pumping or electrical sub stations. If any parts of the development

cannot be accessed during a flood event e.g. the road adjacent to the site, the applicant should consider creating an emergency plan to ensure safe access and egress routes. Water resilient design could also be used in the buildings e.g. raised electrical sockets and air bricks.

The LLFA notes that this proposed development has received pre-application advice, which outlined that a connection into Astrope Lane Ditch would require the applicant to carry out significant remedial and maintenance works to the ditch along with obtaining all necessary permissions for crossing of third-party land. The applicant would also be required to obtain permission for crossing third-party land if a connection to Tring Bourne was to be chosen.

We are aware of significant concerns from local residents regarding the condition of the ditches adjacent to Astrope Lane. In consideration of these concerns, we conducted a site visit on 4 March 2024 to review the viability of the ditches as an outfall location.

We are highly concerned that the ditch with the proposed outfall appeared to have no flow and may be impacted by high groundwater. We were unable confirm continuity, such as via culvert under the Loxley Stables access track and there were similar issues on the opposite side of the road. Because establishment of a conveyance route is likely to require engineering works on third-party land, we recommend that permission is not granted and that the previously suggested conditions are not applied until a suitable means of conveyance and outfall is confirmed.

Noting the limited capacity of local ditches, we also recommend that supporting calculations be informed by FEH2013 or FEH2022 rainfall data instead of FSR, in the interests of taking a conservative approach.

Informative:

The Environment Agency guidance for completing individual flood risk assessments should be reviewed for this application by the Local Planning Authority

Any planning application that falls within Groundwater Source Protection Zone 1 will not be able to discharge surface water to soakaway features and consultation with the Environment Agency must take place to assess any risks to groundwater pollution.

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

- Flood Risk Assessment and Drainage Report, Price & Myers, July 2023, Revision P01

October 2023

The LLFA would like to provide the advice below.

The Full Planning Permission application is for the construction of 9 new dwellings, comprising a mix of 3-bed, and 4-bed units with a new

pedestrian link and nature trail connecting Astrope Lane to Long Martson Primary School with a hardstanding area of the school bus stop.

The LLFA will respond to minor planning applications if there is a local source of flood risk identified. An FRA for minor developments is required if they are located within or in close proximity to a surface water flow path or are considered to be in Flood Zone 2 or 3 for fluvial flooding. The LLFA will also respond, as in this case, where there is evidence of historic flooding set out in the SFRA, and/or a Surface Water Management Plan and/or located within an LLFA defined 'hotspot'.

The LLFA have identified the site is adjacent to a surface water flow path, therefore appropriate flood resistance and resilience measures should be considered within the development. A minimum of 150mm freeboard between the finished floor level and external ground levels is recommended. All ground levels should be sloping away from vulnerable areas such as doorways or essential infrastructure such as pumping or electrical substations. If any parts of the development cannot be accessed during a flood event e.g. the road adjacent to the site, the applicant should consider creating an emergency plan to ensure safe access and egress routes. Water resilient design could also be used in the buildings e.g. raised electrical sockets and air bricks

The LLFA notes that this proposed development has received pre-application advice, which outlined that a connection into Astrope Lane Ditch would require the applicant to carry out significant remedial and maintenance works to the ditch along with obtaining all necessary permissions for crossing of third-party land. The applicant would also be required to obtain permission for crossing third-party land if a connection to Tring Bourne was to be chosen.

Suggested Conditions:

Condition 1:

Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of source control Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability including supporting calculations for the 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year), 3.33% AEP (1 in 30 year) plus climate change, the 1% AEP (1 in 100 year) and the 1% AEP (1 in 100) plus climate change critical storms. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Dacorum Borough Council.

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| | <p>Condition 2:</p> <p>Prior to the commencement of the development a construction phase surface water management plan for the site will be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to and during the construction phase.</p> <p>Reason: To ensure that the construction of the site does not result in any flooding both on and off site.</p> <p>Condition 3:</p> <p>Prior to the first use of the development, a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of “as built” drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.</p> <p>Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Dacorum Borough Council.</p> <p>Condition 4:</p> <p>Prior to the commencement of the development, details of all flood resilient and resistant measures shall be submitted to and approved in writing by the local Planning Authority.</p> <p>The agreed measures shall then be installed and maintained in perpetuity.</p> <p>Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Dacorum Borough Council.</p> <p>Informative: The Environment Agency guidance for completing individual flood risk assessments should be reviewed for this application by the Local Planning Authority</p> <p>Any planning application that falls within Groundwater Source Protection Zone 1 will not be able to discharge surface water to soakaway features and consultation with the Environment Agency must take place to assess any risks to groundwater pollution</p> |
| Hertfordshire County Council Archaeology Unit | This office commented on a previous proposal for this site, 20/03970/MFA. Our advice remains the same and I have noted those comment below in italics: |

The proposed development is within Area of Archaeological Significance no. 12, as identified in the Local Plan. This covers the historic core of Long Marston, the remains of the ruined medieval church of All Saints, an (adjacent) medieval moated site, and extensive areas of medieval ridge and furrow field cultivation.

There are no known archaeological finds recorded from within the proposed development area, but, as noted in the Heritage Asset Impact Assessment KDK November 2020 submitted with the application, Dury and Andrews 1766 map of Hertfordshire indicates several buildings near the crossroads, and one of these may have been within the bounds of the site, at its north eastern end, the remainder of it being shown as orchard. There is also surviving ridge and furrow nearby [Historic Environment Record no 6165] and a Neolithic polished stone adze [HER 11486] was found c300m to the south west, indicating some early prehistoric activity in the area.

Since the site has been in agricultural use throughout the later post-medieval period, and is currently undisturbed grassland, any archaeological remains present are likely to be well preserved.

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

1. The archaeological evaluation, via trial trenching, of the proposed development area, prior to any development taking place.

2. Such appropriate mitigation measures indicated as necessary by the evaluation. These may include: a) the preservation of any archaeological remains in situ, if warranted, by amendment(s) to the design of the development if this is feasible; b) the appropriate archaeological excavation of any remains before any development commences on the site; c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);

3. The analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results.

4. Such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 199, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment

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| | <p><i>Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).</i></p> <p><i>In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:</i></p> <p><i>Condition A</i></p> <p><i>No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:</i></p> <ol style="list-style-type: none"> <i>1. The programme and methodology of site investigation and recording</i> <i>2. The programme and methodology of site investigation and recording as suggested by the evaluation</i> <i>3. The programme for post investigation assessment</i> <i>4. Provision to be made for analysis of the site investigation and recording</i> <i>5. Provision to be made for publication and dissemination of the analysis and records of the site investigation</i> <i>6. Provision to be made for archive deposition of the analysis and records of the site investigation</i> <i>7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</i> <p><i>Condition B</i></p> <p><i>i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A.</i></p> <p><i>ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</i></p> <p><i>If planning consent is granted, then this office can provide details of the requirements for the investigation and information on archaeological contractors who may be able to carry out the work</i></p> |
| Hertfordshire Ecology Unit | <p><u>November 2023</u></p> <p>Overall Recommendation</p> <p>This application can be determined with no ecological objections (with any informative and conditions below)</p> <p>Comment</p> <p>The proposed development site is of ecological interest due to the habitats present and the confirmed presence of protected species. An Ecological Appraisal was undertaken by Cherryfield Ecology in 2022,</p> |

who recommended further surveys for badgers, great crested newts, and reptiles. A hedgerow survey was also recommended subsequent to the preliminary phase 1 habitat survey.

Great crested newts (GCN):

Great crested newt surveys were carried out which comprised 12 separate site visits, all within the appropriate months. All 6 surveys were conducted by Cherryfield Ecology, who closely followed best practice. The target pond has had a previous confirmed presence of GCN from surveys conducted in 2015, and 2020. Given this, no eDNA surveys were required, and only population estimate surveys were necessary.

Confirmed by the results of the HSI (0.79), the pond is of good quality for great crested newts. 12 males and 5 females are confirmed to be present, totalling 17 individuals, which is classified as a medium population. Although the pond itself is outside of the development boundary, the terrestrial habitat on site consisting of tall ruderal will be lost. As confirmed by Cherryfield Ecology, as the terrestrial habitat is not being replaced like-for-like, the creation of a new breeding pond will be necessary under the license measures.

A large area of great crested newt terrestrial habitat will be lost as a result of the development, however, sufficient mitigation and compensation measures have been provided (Table 9: Cherryfield Ecology Great Crested Newt Survey Document) to ensure the favourable conservation status of great crested newts is maintained. A Great Crested Newt licence from Natural England is required to deliver this development and we have no reason to believe a licence will not be issued. With this information in place, I consider the LPA has sufficient information to fully consider Great Crested Newts and apply and satisfy the Conservation of Habitats and Species Regulations 2017 (as amended) prior to determination. I advise the following Informative is added to any permission granted:

"A Great Crested Newt licence is required to deliver this development. It will be a criminal offence if works proceed without a Great Crested Newt licence. It will also be a criminal offence if the terms of conditions of the licence, including in particular the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start), are not adhered to."

Badgers:

The site was deemed to have high suitability for badgers, therefore further surveys were recommended. The following surveys comprised the placement of camera traps, and subsequent checks for badgers. None were observed during any of the surveys, therefore the sett can be considered to be unused. Consequently, a license is not required, however, given that the results in the report are only reliable for 12 months and the works will likely commence after this timeframe, further mitigation need be in place to protect badgers. I do not believe it reasonable to require updated surveys, however condition 1 will ensure that if badgers were to colonise the site prior to the works commencing,

the works can proceed legally.

Reptiles:

The tall ruderal habitat is widespread across the site, which is an optimal habitat for all native reptile species. Further reptile surveys were conducted which consisted of 7 overall checks, between 14/03/2023 and 03/05/2023. One singular grass snake was located, albeit no other reptiles were found. Grass snakes are protected under the Wildlife and Countryside Act 1981, whereby it is an offence to deliberately kill, injure, or sell them. As only a single individual was found, this indicates a very low population on site. However, recommendations have been made by Cherryfield in the Reptile Report (section 4.3). These measures should form part of a Construction and Environmental Management Plan, which should be secured by condition (full condition details stated below under condition 1).

Nesting birds:

The site is of high value to nesting birds, with the presence of scrub, scattered trees, and a species-rich hedgerow. 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. All pruning/work to hedgerows, and the removal of vegetation should ideally, be carried out outside of the nesting season (October to February). If this is not possible, the appointed ecological clerk of works (details listed below under condition 1) should check all areas to be affected prior to the works commencing.

Hedgerows:

The hedgerow on site is deemed to be species-rich, with a poor herbaceous layer. The proposals seek to retain the hedgerow, as well as enhance it. The recommendations stated in section 4.2 of the hedgerow report should be incorporated into the CEMP to ensure the construction period does not have any detrimental impacts on the condition of this hedgerow.

BNG:

The proposals seek to increase biodiversity which are listed in both the Design and Access Statement, and Biological Impact Assessment (BIA) documents. Although Biodiversity Net Gain is proposed, and at first glance the proposals seem appropriate, this information is not supported by a biodiversity metric. Without the submission of a metric, this information cannot be fully quantified, and this prevents us from determining whether the net gain proposed is feasible for the scale of the development. As BNG is not mandatory for a site of this nature, I am unable to advise that the application can be refused. However, if the LPA is seeking for the application to be policy compliant with the NPPF in terms of net gain, then the submission of a BNG metric consistent with Natural England guidance should be required. This reflects the expectation of the Environment Act 2021.

There is currently a landscape plan which forms part of the Design and

Access statement proposing the incorporation of animal boxes into the development scheme. I advise that all the features should be detailed in a Landscape and Ecological Management Plan (LEMP), which should be secured by condition (full condition details are listed below under condition 2).

The LEMP should also include the addition of one hedgehog hole per garden fence.

Chilterns Beechwoods SAC:

The proposed development comprises the construction of 9 dwellings consisting of a combination of 3-4 bed houses. This suggests a net increase in residential accommodation. Given that the proposed development lies within the Chilterns Beechwoods Special Area of Conservation (SAC) 'Zone of Influence', the Habitats Regulations 2017 (as amended) apply and we recommend that as the competent authority, the Council must undertake a Habitats Regulations Assessment (HRA).

This is because we consider there is a credible risk that harmful impacts from the increase in recreational pressure on the SAC (alone or in combination with other plans or projects) may arise and that likely significant effects cannot be ruled out.

If, following further 'appropriate assessment', the HRA is subsequently unable to rule out adverse effects on the integrity of the SAC, mitigation will be required.

Effective mitigation will be best delivered by adopting the measures set out in the Council's strategic mitigation plan and the payment of the appropriate tariff(s). The latter will contribute to the implementation of 'strategic access management and mitigation measures' (SAMMs) alongside the creation of suitable alternative natural green spaces' (SANGs).

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

Conditions:

Condition 1:

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. An appropriately assigned ecological clerk of works should be appointed to undertake all activities, and works shall be carried out, in accordance with the approved details. The CEMP shall include the following:

- Fully assessing the impact on reptiles following the measures stated in section 4.3 of the reptile report.
- Appropriate mitigation for badgers that may have colonised the site.
- The location and timing of sensitive works to avoid harm to nesting

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| | <p>birds.</p> <ul style="list-style-type: none"> • 2m buffer zone, and protection of the species-rich hedgerow. • The role and responsibilities on site of the ecological clerk of works (ECoW). <p>Condition 2:</p> <p>A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.</p> <p>The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.</p> |
| Hertfordshire Highways | <p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1) Provision of Visibility Splays – Dimensioned in Condition</p> <p>Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the accesses where it meets the highway and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.</p> <p>Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire’s Local Transport Plan (adopted 2018).</p> <p>2) Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing numbers 230526-RAP-XX-XX-DR-TP-3201 and 230526-RAP-XX-XX-DR-TP-3200 in accordance with details/specifications to be submitted to and approved in writing by the highway authority at the section agreement stage. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.</p> <p>Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire’s Local Transport Plan</p> |

(adopted 2018).

3) Construction Management Plan / Statement

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

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

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

Highway Informatives

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

AN 1) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.

Further information is available via the County Council website at:

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

AN 2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

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

AN 3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

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

AN 4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments

The amendments are in relation the Flooding concerns with surrounding drainage. Please see the drainage section for Highways comment.

The proposal is regarding amendments for the construction of 9 new dwellings, comprising a mix of 3-bed, and 4-bed units. New pedestrian link and nature trail connecting Astrope Lane to Long Marston Primary School. Hard standing for school bus stop at Land Off Astrope Lane, Long Marston. Astrope Lane is classed within the Place and Movement Planning Design Guide as P2/M1 (e.g. Residential Street). Astrope

Lane is a 30 mph unclassified Local access route that is highway maintainable at public expense. The amendments are in relation to a stage 1 safety audit being produced and the school bus now proposing to turn within the site as opposed to a bus lay by. This now means that there is proposed to be two new accesses, all new drawings are within the document titled "Road safety audit - stage 1".

Highway Matters

The proposal is to have two accesses onto Astrope Lane, one for the 9 dwellings and another access for the turning area for the school bus. Both accesses can provide a 2.4 x 43 metre visibility splay as long as the verge vegetation is trimmed back which is proposed. The two proposed accesses can be seen within drawing numbers 230526-RAP-XX-XX-DR-TP-3201 and 230526-RAP-XX-XX-DR-TP-3200. For the bus turning area, drawing number 230526-RAP-XX-XX-DR-TP-4102 P03 illustrates that a large school bus can fully turn within the site.

HCC Highways identified a safety neutral safety assessment with the site and suggested that it will be picked up at the section 278 stage.

Drawing number 230526-RAP-XX-XX-DR-TP-4100 P02 illustrates that a large refuse vehicle can turn on site to access the highway network in forward gear.

Both accesses should be constructed under a section 278 agreement and to standards stipulated within HCC's Place and Movement Planning Design Guide. There is proposed to be a pedestrian footpath link to the rear of the site which will ensure that school children and get to the bus and site without the need to walk on or adjacent the road network. This would also link to facilities within Long Marston such as bus stops.

Drainage

Provision should be made to ensure that surface water does not run into the highway network from the site. The additional plans include works to the ditch fronting the site along with other changes. We recommend any works within the highway network are constructed under a section 278 agreement and are approved by Hertfordshire County Council Lead Local Flood Authority who are separate consultees on this proposal.

Fire appliance access

The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010'.

Conclusion

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

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| | <p>conditions.</p> <p><u>September 2023</u></p> <p>This is an interim to obtain more information for the site which some of which were requested at a previous application for the site but for 14 dwellings (20/03970/MFA);</p> <p>HCC Highways would like ;</p> <p>A. Details of the proposed route for the school coach at drop off and pick up times and clarification of the proposals when the coach is travelling south along Astrope Lane (opposite side of the proposed bus layby). HCC as Highway Authority would not support children having to cross Astrope Lane;</p> <p>b. Further details on the existing highway problems on Station Road as a result of the school bus drop-off / pick-up (e.g. timing; frequency of congestion; impact on safety) to support the justification for the proposed bus layby. The proposed bus layby would be largely on existing highway land and therefore any works would need to demonstrate a wider public benefit.</p> <p>c. A road safety audit for the bus stop to ensure that it is safe for use in its proposed location.</p> <p>D. A clearly illustrated visibility splay for the new access to ensure that it fits current standards of 2.4 metres x 43 metres for a 30 mph route.</p> <p>Once these have been provided then HCC Highways can make an informed recommendation for the site</p> |
| <p>Contaminated Land Officer</p> | <p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> <p>This is considered necessary because, although the application site does not have a formal land use history, it is an unsecured site with evidence of materials having been stored or tipped on it. Furthermore, the proposed land use is one that will be vulnerable to presence of any land contamination and so the following planning conditions should be included if permission is granted.</p> <p><u>Contaminated Land Conditions:</u></p> <p><u>Condition 1:</u></p> <p>b. No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written Preliminary Environmental Risk Assessment Report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> |

- i. If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until an Intrusive Site Investigation Risk Assessment Report has been submitted to and approved by the Local Planning Authority which includes:
- ii. A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- iii. The results from the application of an appropriate risk assessment methodology.
- c. No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.
- d. This site shall not be occupied, or brought into use, until:
 - iii. 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.
 - iv. 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.

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| | <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p><u>Informative:</u> The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here</p> <p>https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm and here: https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8</p> |
| Conservation and Design | <p><u>March 2023</u></p> <p>Following a review of the amended material for application referenced 23/01998/FUL at Astrope Lane, I can confirm that we have no objection to the revisions to the scheme. It is evident that the applicants have responded to the majority of previous comments made and we welcome the revisions, believing they offer an overall improvement to the scheme.</p> <p><u>Additional Comments</u></p> <p>Following the receipt of the amended sketch layout I have the following comments. I appreciate the applicant's quick response and willing to collaborate going forward to achieve a high standard of design on site. The attempts to take on board previous comments are welcomed, however I have noted some remaining concerns regarding a couple of elements that should be addressed in the amendments:</p> <ul style="list-style-type: none"> - It is agreed that the omission of the side extensions to the three-bed dwellings has improved the layout and overall arrangement on site. - The improvements to the access, including the removal of the visitor parking and introduction of green verges and tree planting is welcomed. Nevertheless, the green buffer along the access to the stables should continue along the full length of the boundary as illustrated below. We recommend that the buffer is no less than 2m in width to allow for native hedge and tree planting along the full extent of the boundary - Whilst we appreciate the initial attempts to push plot 1 further into the site, it would be more acceptable if the side extension [highlighted below] was omitted from this dwelling to bring the building line in line with that of the rear of plot 6. If more room is required in order to achieve the desired building line discussed, without the omission of the side extension, I would recommend reverting the northernmost buffer to its original size, pushing all the dwellings up so that the side of plot 1 is in line with the rear of plot |

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- The relocation of the visitor car parking is acceptable from a design perspective.

Original Comments

The application site is located on the periphery of the village Long Marston, within the designated Rural Area of the Borough. The village Conservation Area wraps the north-eastern edge of the site along Marston Court. It was previously discussed that whilst this is not a preferred location for development, given a lack of identified housing land supply within the Borough, it could be considered.

The north-eastern boundary of the site abuts a residential parking area associated with Marston Court, a relatively new development of 1.5 storey terraces with an extensive area of on-street car parking and garages. Beyond the densely vegetated north-western boundary is the Long Marston VA C of E Primary School and the recently developed Loxley Stables. Access to the stables is immediately adjacent to the south-western boundary, off Astrope Lane. The south-eastern boundary is a densely vegetated hedgerow with mature trees and extensive planting. Adjacent to this is Astrope Lane which leads north-east into the village.

A public footpath crosses the site along the north-western boundary, connecting the village to the wider network of walking and cycling routes.

Site history

A pre-application referenced 20/00042/PREC was undertaken in April 2020. In general it was determined that the principle of development was considered to be acceptable, with some suggestions regarding the layout, design and landscaping.

Recommendation:

We generally support the principle of development and it is evident that elements of the scheme are of a high-quality. However, we have some concerns regarding the design of the proposals that need to be addressed. We recommend that the applicants consider and respond to the comments below before progressing the application further.

We would be happy to engage in a conversation if any of the below recommendations or suggestions are unclear.

Comments:

Design and layout: A key feature of Long Marston is the approach along Astrope Lane. The current treatment comprises extensive open landscape with established trees and hedgerows bounding the rural lane, creating a natural and soft approach into the village. The introduction of built form currently appears when Marston Court, the Chapel and a quaint set of terraces are reached, in close proximity to the junction with Tring Road.

This softer and natural approach to the village needs to be retained and reinforced as part of this development. Firstly, it is considered that Plot 1 encroaches on the landscaped setting of the approach into Long Marston and needs to be set back from Astrope Lane. Whilst it is appreciated that this matter was previously discussed in the pre-application referenced 20/00042/PREC, it is no longer felt that providing a landmark on Astrope Lane is an appropriate approach. As such, we would request that the building line is pushed back to be in line with the rear of Plot 6

The internal layout of the scheme is inward facing onto a communal garden and landscaped area. This approach is considered to be appropriate in light of the above discussion, regarding the nature of the landscaped edge onto Astrope Lane.

The development comprises a range of housing typologies all of which provide generous and functional internal layouts with substantial living space. The typologies also allow for a degree of family growth, which will benefit the longevity of the new community.

Building appearance and materiality: The detailing of materials creates a unique development, providing high-quality homes. We welcome the use of recessed brickwork, soldier courses, hanging tiles and cladding providing an added level of detail and interest.

The majority of the material palette is considered to be acceptable, however, we request that the use of red brick is employed rather than the lighter brick implied in the visuals. Whilst the submitted documents do not define the use of a specific colour of brickwork, the main visuals appear to represent a light brick. The predominant material in the village however is considered to be red brick. As such, a red brick coupled with the red clay hanging tiles and wood cladding, would be more appropriate in this location.

Scale and massing: The heights strategy across the scheme is generally considered to be appropriate, reflecting the character of the surrounding area. The layout also allows for appropriate distances between dwellings, particularly at first floor, whilst the ground floor single storey elements creates a strong and continuous frontage onto the internal street which is welcomed.

Landscaping: A particular concern is the visibility of the development on the south-western approach along Astrope Lane. At present the vehicular access to Loxley Stables is bound on the South-western edge by established tree and hedgerow planting providing a degree of softening and natural screening along the south-western edge. However, the north-eastern edge of the vehicular access to Loxley Stables is currently a post and rail fence without any planting. This results in clear views of and into the site on the approach into Long Marston along Astrope Lane. As such, we request that the extent of the area highlighted below is planted with native hedgerows and mature trees in advance of any development taking place.

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| | <p>The remainder of the landscape strategy is grounded in the provision of a communal garden, responding to the existing footpath and the school. It is evident that the applicants are attempting to create a high-quality development that responds to the natural environment through the inclusion of integrated wildlife habitats and green roofs. This represents a considerate approach to development that is appreciated.</p> <p>Further detail is required around the treatment of the attenuation pond and the swale, what is the proposed planting in these areas and what is the management plan for the blue infrastructure?</p> <p>It is also evident that most of the dwellings benefit from large private rear gardens and in areas landscaped front gardens as well. However, there is some concern over the size of Plots 1 and 2 rear gardens. The scheme will need to ensure that allow for minimum back garden space standards as required by policy: <i>“Private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 m. Ideally a range of garden sizes should be provided to cater for different family compositions, ages and interests.” [Local Plan: Appendix 3]</i></p> <p>Parking: The approach to car parking is well-designed and has clearly responded to previous comments from the Dacorum Community Review Panel with the omission of integrated garages. It is apparent that the on-plot provision will be discreet, and screened from the street minimising the visual impact of the cars and the incorporation of integrated bin storage and outdoor storage is again well-designed.</p> <p>Further to earlier comments regarding the building line of Plot 1, we would request that the main vehicular access is void of parking and remains a landscaped area to enhance the vegetated nature of the entrance to the site and discreet rural setting of the access. As such, we recommend that the visitor spaces are relocated and Plot 1 employs a typology that omits the parking from the south-eastern edge, in conjunction with earlier comments regarding the building line of Plot 1.</p> <p>Conclusion:</p> <p>We recommend that the applicants consider and respond to the comments before progressing the application further.</p> |
| <p>Environmental Health Officer</p> | <p><u>March 2024</u></p> <p>Please be advised the EH Pollution Team have no additional comments</p> <p><u>October 2023</u></p> <p>Further to the above application we wouldn't add anything from a noise or air quality perspective, however would request the inclusion of the below informative comments, please.</p> |

Working Hours Informative

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

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 or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

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

Waste Management Informative

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

Air Quality Informative

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

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

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

Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in

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| | <p>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 https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</p> |
| Rights of Way Officer | <p>This site is crossed by Tring Rural public footpath 9.</p> <p>The footpath currently would need to be afforded an acceptable width and ideally remain within a strip of natural terrain. Improvements to the footpath, within Highway Authority specifications and within keeping of the locality, will be justified due to the additional pressure placed upon this route, particularly as the path will be part of a 'nature trail'</p> |
| Waste Services | <p>Each house needs space to store 3 x wheeled bins and a curbside caddie. There should be space outside their boundary to present 2 x wheeled bins and the curbside caddie on collection day. The collection vehicle is a 26t rigid freighter.</p> |
| Environment Agency | <p>Based on a review of the submitted information, we have no objection to the proposed development. However, we do have the following advice.</p> <p>Advice to Applicant</p> <p>Flood risk standing advice (FRSA)</p> <p>Part of the proposed development falls within Flood Zone 2, which is land defined in the planning practice guidance as being at risk of flooding. We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. Your proposal falls within this category.</p> <p>These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice</p> |

We recommend that you view our standing advice in full before making a decision on this application. We do not need to be consulted.

Flood mitigation

Although we have no objections to the proposed development, the developer may wish to include measures to mitigate the impact of more extreme future flood events.

Measures could include raising ground or finished floor levels and/or incorporating flood proofing measures. Further guidance on preparing properties for flooding can be found at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>.

Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings> It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email, or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families, and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>

Water Resources

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

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area.

Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

Residential developments

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

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

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

Advice to LPA / Applicant

Groundwater and Contaminated Land

As the site is situated in a vulnerable groundwater area within on a principal aquifer and a secondary 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.

We recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance are followed. This 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.

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."

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-assesors/> .

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-contamination-groundwater-compliance-points-quantitative-risk-assessments>

- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.

- 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. 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:

- Up-flow percolation column test, run to LS 2 - to derive kappa values;
- pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario;
- LS 2 batch test - to benchmark results of a simple compliance test against the final step of the column test.

Following the DQRA, a Remediation Options Appraisal should be completed to determine the Remediation Strategy, in accordance with the updated guide LCRM.

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.

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.

Pre-Application Advice

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory

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| | <p>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: HNL.SustainablePlaces@environment-agency.gov.uk.</p> <p>Further information on our charged planning advice service is available at; https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions</p> <p><u>September 2023</u></p> <p>The proposed development falls within Flood Zone 2, which is land defined in the planning practice guidance as being at risk of flooding.</p> <p>We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. The above proposal falls within this category.</p> <p>These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice</p> <p>We recommend that you view our standing advice in full before making a decision on this application. We do not need to be consulted.</p> |
| Hertfordshire Constabulary | <p><u>March 2024</u></p> <p>In relation to security and safety the new pedestrian footpath and proposed Long Marston school bus layby is a positive addition.</p> <p>I would advise that the development is built to the police security standard Secured by Design.</p> |
| Herts and Middlesex Wildlife Trust | <p>The full biodiversity metric must be submitted before a decision can be made on this application. The full metric is required to enable scrutiny of the outputs of the metric. Summaries of the metric are not verifiable and not acceptable.</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"> • Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG. |

- Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.

Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.

The 12.6km zone proposed within the evidence base 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

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| | <p>the local area to deliver high quality mitigation.</p> <p>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.</p> <p>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.</p> |
| UK Power Networks | <p>We note there are 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 power lines) and a safety visit is required by UK Power Networks. Information and applications regarding GS6 can be found on our website:</p> <p>https://www.ukpowernetworks.co.uk/safety/equipment/power-lines/working-near-power-lines/advice-on-working-near-overhead-power-lines-gs6#Apply</p> <p>All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 (Avoiding Danger from Underground services). This document is available from local HSE 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 Moving electricity supplies or equipment.</p> <p>https://www.ukpowernetworks.co.uk/i-already-have-electricity-commercial/moving-electricity-equipment</p> |
| Thames Water | <p>Waste Comments</p> <p>We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames</p> |

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| | <p>Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.</p> <p>We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.affluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.</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 If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.</p> <p>On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p> |
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APPENDIX B: NEIGHBOUR RESPONSES

| Address | Comments |
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| Supporting Comments | |
| The Forge, Woolverstone, Ipswich | I have a house in the village of Long Martson and am I part of the team that has submitted the scheme. I acknowledge therefore that I will |

have a bias in terms of the comments I am making, however, I feel so much has been lost in the focus on flooding that I just wanted to point out some of the really positive elements of the application benefits that I personally feel passionately about.

A quick comment on flooding however - I understand the anxiety in relation to the historic flooding in the village - I have seen the photos and heard the stories. I have read, and re-read the drainage strategy that was submitted for the site by the specialist consultants, and am comfortable with the proposals and confident that they will not increase flood risk, but rather reduce it.

I have been involved in plenty of schemes with the types of mitigation suggested, and I can say first hand that they work. I also know that these proposals will be scrutinised by HCC flood department as a counter check, which I approve of and welcome. The flooding strategy is a key part of getting this right, and despite what people may think, the applicants do not want to see increased flooding in the village, but rather work on something that will lessen the risk to the whole village.

This is an unusual development in the sense that ALL of the parties have an ongoing interest in continued wellbeing of the village.

Below are a number of the positive elements of the scheme:

- Enhanced biodiversity - a 10% gain on the current empty field scenario; with different landscape designations, including swales, orchards, native trees and planting, swift and bat boxes, bee bricks, wildflower roofs to encourage butterflies amongst a whole bunch of other things

- the landscaping will bring this whole part of the village to 'natural' life

- Improved safety for primary school children - a new school drop off point to allow children to access the primary school without having to cross a busy, dangerous road - this is a really important aspect, and one which has the full support of the school and primary school parents and one which I feel very strongly about.

- Smaller and family sized homes in the heart of the village - I have had a number of local people enquire as to when/how they might be able to buy a house should they be approved

- these people have been largely priced out of the village as it stands, and want to be able to envisage a future in Long Marston where their children can walk to school, in a safe environment, and without having to jump in a car. This to me is exactly the type of sustainable development local government should be encouraging, rather than yet another distant farmer's field somewhere that is only accessible by car.

- Sustainable homes! So important in today's climate - the houses at Loxley Stables recently won an award for sustainable development, and the proposed houses push further than that, with all of the specifications that involves in terms of insulation and renewable

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| | <p>energy. Another element of sustainability is the economic support houses bring to a village, through employment, but also through the increased use of local businesses.</p> <p>I am passionate about the possibilities this scheme can bring to the village. I wouldn't be part of a team that submitted another scheme for identikit houses with no community benefits. I think there is an opportunity here to create a long lasting legacy for the village of Long Marston, whilst building homes this country so desperately needs to continue to create vibrant, dynamic communities.</p> |
| 6c Aston Clinton | <p>Having lived in the village for many years and being a part of a strong and vibrant community i really do feel these proposals can be an positive asset to the community, the village and the school in many of ways.</p> <p>The traffic issues on the main road remain the biggest and most dangerous problem in my view and proactive solutions are needed to improve this. The revised plans take this matter into consideration!</p> <p>I share concerns about ditches for water drainage and I know them well from all our long walks in and around the area the plans accommodate for the clearing of these which is actually has a positive impact.</p> <p><u>Original Comments</u></p> <p>Having lived in the village for 6 years we were excited to see a planning application for something that we think will have a really positive impact. Whilst it's a beautiful picturesque village, it is unfortunately heavily impacted by the busy road that runs through it especially in the morning when people are frantically trying to get to work, trucks passing through and school drop off happening all at the same time. Add the school bus to that and unsurprisingly its chaos. More flexible working has perhaps helped a little but this is still a huge problem.</p> <p>Proposing something to alleviate this a bit is a great idea. The housing also looks great and creating pockets of open space, orchards and communal gardens off the main road I think will improve the village enormously. Please make sure the petanque happens! A few more sensitively designed houses will help sustain a great pub too</p> |
| 12 Aston Clinton | <p>I'm delighted to have the opportunity to re-register my ongoing support for this proposed development, which has the scope to offer significant benefits to the village and local community.</p> <p>The style of the proposed development is aesthetically delightful, any opportunity to pursue small scale and well thought through development should be celebrated as a counterbalance to the extraordinary quantity of near-dystopian, generic large scale housebuilding around the area.</p> <p>The further consideration given to provision for school access and bus turning seem eminently sensible, and the benefit to the wider</p> |

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| | <p>community is clear to see in the supporting letters that have been provided in respect of this. Through both the provision of family housing, and consideration of the needs of the community as a whole, this proposal would bring material benefit to the community and local businesses of Long Marston. Such joined up thinking should be applauded.</p> <p>From the other comments expressed in relation to this application, there is clearly a residual concern regarding ditch maintenance. This is a challenge which seems far from insurmountable with the right level of awareness and joint accountability. This is far from a reason to curtail the opportunity to deliver the benefits that this proposal would achieve.</p> |
| <p>24 Bromley, Long Marston</p> | <p>Having lived in the village for 22 years I believe that the development is well-planned and if flood risk mitigation measures are implemented, it could greatly benefit the village and enhance child safety. I also appreciate the inclusion of proper family houses and the support for a safer bus stop location.</p> <p>Dacorum will ensure no negative impact on the village. I believe that an increased population of approximately twenty-five residents would benefit school intake numbers and support local establishments like the pub and Victory Hall. The proposed bus turning area, will alleviate traffic congestion during school hours.</p> <p>The extensive work on the culvert has significantly reduced flooding. There has been misinformation and opinions about the development, such as black poplar trees, soak away and field elevation, water flow, and road gradient.</p> <p>Comparing the proposed development to other developments within a mile radius, there are no valid arguments against it. I believe that the proposed access road is safer than those in other developments and prioritizes space for residents rather than cramming additional houses.</p> <p>I have no concerns about the developers, as they have a track record of adhering to rules and laws. I expect Dacorum to scrutinize all flooding solutions to ensure safety for surrounding houses and the village.</p> <p><u>Original Comments</u></p> <p>I would like to register my overwhelming support for this proposed development.</p> <p>It is clear from the information available that considerable thought and consideration has been given to designing a high quality development, centred on the needs of the local community and natural environment. Such opportunities should be actively encouraged, and developers such as these should be recognised and celebrated for the role they play in creating attractive and sustainable communities, in which families can thrive for generations ahead, rather than carpet bombing the home counties with value engineered concrete identikit monstrosities.</p> |

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| | <p>It is universally acknowledged that more homes need to be built in this country, and it is short sighted to turn away from opportunities to achieve this through smaller, high quality developers that have a vested interest in the communities they are building.</p> <p>It is a shame that the lengths to which the developers have gone to address ecological issues, namely that of flooding, have been overlooked by others. It is clear that the proposed development would complement the natural environment in which it is situated in a sympathetic and well thought through way - I hope that proper weight is given to the expert opinion put forward in the surveys accompanying the application, alongside the mitigation actions in place in the proposal.</p> |
| 1 Church View | <p>We support a development of this size and design in Long Marston on the basis that Dacorum ensures there is no negative impact on the surrounding houses from a flooding point of view.</p> <p>We feel that an increased population of approximately twenty-five residents would help to support the school intake numbers and support the pub and Victory Hall.</p> <p>We are also interested in the bus turning area, which if successful will help reduce the traffic blockages at school time.</p> <p>If the flooding concerns are addressed, we support the building and we prefer this proposal to the alternative which could be developers who have no personal stake in village life or who propose a much larger development</p> |
| 2 Church View | <p>Currently, the school bus has no choice but to pick up and drop off immediately outside the school gates which creates traffic congestion, irate drivers and is a safety hazard to pedestrians - particularly the school children crossing the road. The addition of the bus parking turning bay within the site will alleviate this problem. We further support the plan</p> <p><u>Original Comments</u></p> <p>Whilst I'm not a particular fan of developments, per se, I do support this scheme. Having read the documentation, it seems to have been carefully designed to alleviate most of our concerns such as flooding, wildlife, and traffic, and is in keeping with the area.</p> <p>Our overall feeling is that welcoming 9 new families to the village would be a positive thing, not least for the school, the church, and the pub</p> |
| 54 Station Road | <p>I commented on the previous plans in support and would like to add my support again.</p> <p>The revised plans include a brilliant sensory wall for the school and clearly well thought-out plans for the bus. In terms of the houses, this</p> |

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| | <p>is exactly the kind of sympathetic development that villages need. I live in the village and this strikes me as a great proposal to add much-needed homes. The plans have considered flood risk given the history in the area, which overall does appear to have lessened in the centre of the village in general following recent work.</p> <p><u>Original Comments</u></p> <p>I support this application mainly because I can see the benefit this would bring to the school and everyone who brings small children to school. I live on Station Road and take my children to school every day, across the road, and I am very aware of the problem we have. It has become unsustainable and I know many parents feel the same.</p> <p>The school supports not only Long Marston but several surrounding villages. The bus brings children to school every day, while some parents drive their children and drop them off. All this creates a huge amount of traffic, blocks the road and creates a very real safety hazard. When the bus is parked outside the school, drivers and people can't see around it. People drive too fast and there seems to be a state of confusion that a stopped bus can be overtaken, which leads to chaos and danger.</p> <p>Thankfully there are some amazing people doing a wonderful job sharing the lollypop responsibilities, which shows how committed some of community are to resolving this. I would say the bus relocation is critical. I worry that this can't be implemented soon enough and may take time to implement. Can a temporary solution please be considered? Could the land offer some kind of meanwhile use?</p> <p>But if this can be done as part of what looks like a well thought proposal then, yes please. I note some ongoing concerns about flooding; if these proposals really can hold water back and reduce flooding risk during heavy rains then all the better. The homes have been designed to be low energy and I support any kind of innovation in this area.</p> |
| <p>Church Farmhouse, Chapel Lane</p> | <p>On balance, I am supportive of this application with some minor reservations:</p> <ol style="list-style-type: none"> 1. It is a shame that the development does not make an addition to the streetscape of the village by presenting house frontages on Astrope lane. I do however acknowledge that this is in order to minimise removal of trees and to arrange houses to face communal areas of the development. 2. As the surface water run-off as detailed in the flood risk report proposes direction to the ditches along Astrope Lane, perhaps the development could include work to dredge/clear these ditches as water does appear to pool there currently in winter months. I do note the positive mitigation features of the development to attenuate this flow. Considered overall though, the development is one which seems to have taken great care to work within the confines of the site, as well as the wide needs of the village. The design aesthetic is |

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| | <p>contemporary, but in keeping with the village. At first I was alarmed at what appeared to be inclusion of chimney stacks, but am encouraged by the novel use as a wildlife habitat while also being an architectural nod to the rest of the village where we benefit from a wide range of styles from differing eras.</p> <p>With regard to the comments thoughtfully provided by others I have the following to say:</p> <ol style="list-style-type: none"> 1. I disagree with other comments that there is insufficient parking in the development. With two spaces per house, plus another nine for visitors it seems perhaps a shame that so much space is given over to parking. 2. I note the other comments made regarding flooding, however reading the proposals and reports, with the included features of permeable materials, roof gardens, attenuation, a swale and substantial green space this would seem to be a net positive particularly with regard to surface water. 3. Comments regarding the impact of additional traffic I must also disagree with this. The vast majority of village traffic is undeniably through traffic as there is no way to bypass Long Marston. The additional vehicle movements of 9 additional dwellings would undoubtedly be statistically insignificant when measured against the volume of through traffic. The inclusion of a bus stop and the opportunity to have school bus movements away from Station Road however, on the whole is a huge positive for the village. <p>My fear is that should this not gain approval, the village may be subjected to a future scheme from another developer which is a cookie-cutter one which maximises every inch of the site with too many houses with small gardens and no green space.</p> |
| <p>27 Cheddington Lane, Long Marston</p> | <p>I would like to show my on-going support for this development. The creation of a full turning bay for the school bus is a huge community benefit. It will remove the bus from the village in busy rush hour and certainly provide more safety for the children. This is something the Parish Council have been trying to resolve so surely a big win.</p> <p>The houses are of a good size and will hopefully attract more families into the village which would be great for local businesses and school</p> <p><u>Additional Comments</u></p> <p>I have lived in Long Marston for the last 19 years of my life. I believe that it would be a good idea to go through with this building project as it would be a great opportunity to bring new faces into the village. It would also help with the current problems with flooding in the village and take away from the problem</p> <p><u>Original Comments</u></p> <p>I have read through the proposals and believe this development has been really carefully considered. I know the applicants live in the village, so they do understand the risks of flooding and the importance</p> |

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| | <p>of getting this right. Developers being part of the community seems to me, a positive aspect and I would think they have an added motivation to improve the situation of flooding not add to it. I assume that what has been proposed will be assessed properly by the right departments at the council, and it is they, who will determine whether it does improve the situation.</p> <p>If the flood consultants' proposals (which will no doubt cost a lot of money to actually put in place) do improve the situation, then what's the problem. However, if once reviewed by the council, it could make the situation worse, then presumably they will advise. Surely, it's down to qualified people to make the right decisions for the village, not the unqualified.</p> <p>The bus layby for me is a huge benefit. Taking the bus off the main road, which causes chaos in the morning. Sadly, I can see lots of comments have been made on Social Media about this being a red herring. You don't have to look very far to see a development for 9 houses having just been completed which had nothing like this to benefit our community so surely its being done because the developers want to do not because they have to ? Seems to me that the applicants actually do have the interests of the school and community at heart</p> |
| <p>Long Marston VA C of E Primary School</p> | <p><u>July 2023</u></p> <p>I am writing to set out the school's support of the potential relocation of the school bus stopping point away from Station Road to Astrope lane, and a pedestrian new access across the land and school gate to be formed. We think there is an opportunity for this to be incorporated into any plans to develop the land off Astrope Lane adjacent to the school, an idea that has been discussed and assessed for several years.</p> <p>The current school bus situation has been extremely challenging to manage and dangerous for the children. At the beginning and end of each school day, children from nearby villages are brought on a bus to the school, which sits in the heart of the village. This bus has no option but to stop directly outside the school on the main road that runs through the village to let children off, which takes on average 3-4 minutes twice a day, at the busiest times of the day. Occasionally, coaches stop for longer throughout the year, when it is a school trip.</p> <p>At the end of the day, the bus has to stop on the opposite side of the road to the school, outside the Village Hall, and children have to cross to alight. This is a significant risk and dangerous for the children. A solution that provides a space for the bus on the Village Hall side of the road would therefore not quite eliminate risks. A survey carried out by the Parish Council found that during each of the school's drop off and pick up times, 08:40-09:10 and 14:50-15:20, about 130 cars on average pass the school. The road through the village is often blocked for the time the bus is stationary.</p> <p>Parents trying to cross the road to bring their children to school either on foot or from the Village Hall car park struggle to see when traffic is</p> |

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| | <p>trying to pass by the bus. The council’s report noted that “The congestion produced [by the bus particularly in the morning, is extreme with vehicles queuing to weave their way through the parked cars/coach”.</p> <p>It stated: “We consider this to be totally unsatisfactory and a significant risk to the children’s safety.”</p> <p>A bus drop on Astrope Lane with a new, pedestrian route to the school, would be very valuable. The route would be far easier to monitor from a staff point of view and the children would not need to cross any roads. They would be kept away from the main traffic route through the village. The removal of the bus from outside the school would also create a safer situation for parents dropping their children to school by alleviating congestion considerably.</p> <p>The school bus is critical for the sustainability of the school, as there are simply not enough children in Long Marston itself to sustain it. Creating a safe environment for children is extremely important to parents from surrounding villages who are considering sending their children to the school. If children can arrive at the school safely, along a dedicated pathway full of wildlife and things to look at, which is what is proposed, this would certainly be more attractive to parents than the current situation and could even benefit school intake.</p> <p>For clarity, the new layby would need to be for Long Marston Primary school only. The bus would drop the children off in a designated layby at 8.40am and leave immediately. At pick up it would be waiting for the children at the layby for no more that 5 or ten minutes. This would only be from Monday to Friday, term time only.</p> <p>Whilst the Governors and I do not think it’s appropriate for the school to comment in relation to housing planning policy, the element including this alternative bus stop offers a real opportunity to provide a much safer alternative to the issue as it currently stands which has been too dangerous for too long.</p> |
| Little Folly, Potash Lane | <p>I write in support of this application for the below reasons</p> <p>Development is at an all-time high and we are all aware of the promises the Government have made to increase housing. I believe this field will be developed absolutely (whether by the current applicants or others) however I find it impossible to believe there would be another application that would ever be as beneficial for this village.</p> <p>Developers are not known for their community spirit, however these developers live very close to the site and are very involved within the village community. They have more of a vested interest than anyone in making sure this is not detrimental to the village and I think this is without a doubt reflected in the plans. I don’t believe our village would ever get nicer plans than this, just double the amount of housing.</p> <p>Any resident of Long Marston will agree that historically we have had major flooding situations.</p> |

I have lived in this village for over twenty years and I have seen the flooding first hand and how bad it can be. Two of the developers themselves live in a house that has historically flooded majorly, I know this as fact as it was a shop at the time and I worked there.

The name LONG MARSTON itself taken back to its historical meaning means MARSH VILLAGE. This isn't news to anyone.

With the extensive work done to the culvert in the village, flooding has seemingly decreased massively. As long as all of the drainage ditches surrounding the site are clear and maintained as a constant then I feel that this will not cause any further issues. Obviously all land owners that have these on their land know without maintaining them flooding can occur.

There has been a lot of mis-information regarding this specific development on social media and I find it incredibly disheartening. I also find it worrying, when opinions start being taken as facts, people are no longer playing within the same fair game any more

Two things I would like noted, are the Black Poplar trees- while lovely if you like them! – are fundamentally useless when it comes to the discussion of any flood mitigation. They lie dormant during the winter (flooding) months. This is why they have given no protection previously and will not in future unfortunately.

Also, it has been mentioned repeatedly online that this field is a soak away for pre-existing houses. While it may be a soak away for any water flowing down from the top of Astrope, the field lies higher than Marston Court - and therefore the village, and so I fail to see how it can be a soak away in any way for Long Marston?

It is also clear that entering Long Marston from Astrope, the main road in the village is at the bottom of a slight gradient and therefore the water will always flow in this trajectory.

It's confusing how there can be such a high input of opinions regarding this development when I can count far more than nine new builds that have gone up within a mile radius of this site . If I count a 1.2 mile radius from this site, then it also includes three big new site developments including Old Rectory Farm Puttenham, Little Copse Astrope and Glebe Meadow in Long Marston.

The amount of newly completed or houses in development locally is nearer triple this amount and that's without taking the old Deans Egg site into any account.

When these plans are compared against these developed sites I cannot understand any argument against them.

Site access will always be a contentious issue, however the access road for this site will be infinitely safer than any of the above mentioned developed sites and critically, this site has utilised their space for residents rather than packing additional houses in there

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| | <p>which they would be well within their rights to do (and most would.)</p> <p>It is also worth noting somewhere that I would have no concerns at all regarding the developers as they have proven themselves to be rule and law abiding with previous developments and valued, trusted members of the community.</p> |
| 50 Oaks Road, Croydon | <p>This proposal demonstrates how to create a housing development that is truly sustainable and climate resilient on a site that the LA have already identified in the SHLAA as appropriate for residential development.</p> <p>The design concept and its evolution through early consultation stages over a significant period of time has produced a scheme that serves the needs of the community and the natural environment.</p> <p>The design of the houses is sophisticated and sensitive to local vernacular but adapted to optimise integration of renewable energy technology and other sustainable design principles. Residents will have privacy and amenities that will promote long-term occupancy - a key factor in sustainable communities. Engagement with the school to address a critical local safety concern is an exemplar of considerate and inclusive community engagement.</p> <p>Energy-efficiency ambitions far exceed the minimum standards required by current building regulations, further demonstrating that this scheme addresses local, national and global imperatives to build with ecological conscience.</p> <p>Biodiversity is clearly well researched, assessed and designed for and the scheme appears to sensitively enhance and regenerate suitable habitats for a very wide range of wildlife.</p> <p>Hedgerows and trees are carefully assessed to retain the vast majority present on the plot and to dramatically enhance the overall quantity and quality of diverse arboricultural provision.</p> <p>The SuDS and careful attention to critical flood risk alleviation is impressive. If every new development took such care and diligence in addressing surface water drainage there would be fewer incidents of flooding within our built environments. Well-designed surface water management, such as proposed, reduces pressure on water infrastructure. Permeable ground is provided across a majority of the site with carefully calculated attenuation and detention strategies.</p> <p>Both features provide the additional benefits of enhancing biodiversity and community amenity through the provision of swales and ponds.</p> <p>I support this proposed scheme and would welcome it in my back yard.</p> |
| 6 Kings Court, Roughdown Road, Hemel Hempstead | <p>I am writing to express my enthusiastic support for the proposed construction of 9 new dwellings on the land off Astrope Lane in Long Marston, Hertfordshire. This project, which includes a mix of 3-bed and 4-bed units, a new pedestrian link and nature trail, and hard</p> |

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| | <p>standing for a school bus stop, presents numerous benefits for our local community and the environment.</p> <p>I would like to highlight several key points that make this development a positive addition to our area:</p> <p>1. Biodiversity Stacks for Bats, Insects, and Swifts:</p> <p>One of the standout features of this proposal is the incorporation of biodiversity stacks that will provide crucial habitats for local wildlife, including bats, insects, and swifts. By creating safe spaces for these species to thrive, we are not only enhancing the ecological balance of our community but also contributing to the preservation of our local biodiversity.</p> <p>2. A New Planted Orchard:</p> <p>The addition of a planted orchard is a delightful and environmentally friendly feature of this project. Orchards not only provide a source of fresh fruit but also promote a healthy ecosystem by attracting pollinators and other wildlife. This orchard will be a valuable asset to our community and contribute to the green character of the area.</p> <p>3. Access Path for School Children:</p> <p>The proposed new pedestrian link and nature trail connecting Astrope Lane to Long Marston Primary School is a significant improvement for the safety and convenience of our school children. It will encourage active transportation, reduce traffic congestion, and create a more environmentally friendly way for our students to reach their school.</p> <p>4. Lovely, Sensitive Design:</p> <p>The design of this development has been carefully considered to ensure it complements the character of the local area. Aesthetic considerations are vital, as they contribute to the overall quality of life for residents and maintain the charm and character of our community</p> |
| <p>4-6 Spicer Street, St.Albans</p> | <p>As a very enthusiastic gardener that knows this area incredibly well, it's encouraging to see these types of more green community led proposals starting to emerge in Dacorum.</p> <p>Whilst the houses themselves look very successful and well designed, there is clearly a big focus on the community aspect as well as the green spaces between the houses and much needed inclusive response to ecology. Great fun for any children living there. I see too many housing projects focus on private space due to long term servicing risks of shared spaces and 'perceived' value. However, with an appropriate management plan, which I expect would have to be conditioned as part of any approval, communal spaces are what's needed in the bigger picture to ensure biodiversity can be improved and be properly implemented and maintained.</p> <p>In order to create the houses that are needed across Dacorum, appropriate sites do need to be identified and put forward. For such a</p> |

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| | <p>central location in the heart of a village which I visit regularly, it seems an excellent low impact site to be developed that together with the proposed school access would only serve to improve the sustainability of the school and village.</p> <p>The main elements of a few objections that have been uploaded seem to be quite focused on flood risk. Whilst I am not a flood risk professional, and can't imagine how upsetting it might be for any houses that were affected, I can see that the site is not in a flood risk zone 2 or 3, but essentially all in a flood risk zone 1, and so with an appropriately designed SUDS strategy, would think it could be appropriately implemented and indeed reduce flood risk, but I may be missing something.</p> <p>It looks like there's just a very small bit in flood risk zone 2 at the perimeter in a private garden, but the application does seem to clarify that the garden level won't be raised there. This will I expect also be conditioned. Well done on some lovely proposals. More family housing like this please Government, and all the better surely if it's actually in walking distance to the village school</p> |
| Huntsman House, Wing | <p>The amended plans seem to offer a significant improvement. No other local developments are offering these types of community benefit as well as what looks to be a really lovely small housing scheme. The walk for the children without using the road is a fantastic addition to this application.</p> |
| Neutral Comments | |
| 12 Gilders, Sawbridgeworth | <p>The proposals for the buildings to have integrated biodiversity stacks is very innovative and fully supported.</p> <p>It is not entirely clear if the integrated bird boxes will be Swift bricks. These are ideal, as Swift bricks will be used by other species such as House Sparrows, but the reverse does not apply, as noted in the ecological report. It would also be helpful if the plans specified exactly how many Swift bricks and bat boxes are to be installed.</p> <p>Please ensure that if permission is granted, there is a specific condition requiring the development to be in accordance with the plans showing the integrated Swift bricks and bat boxes as propose</p> |
| Hillside, Patmore Heath, Albury | <p>We would support the comments of xxxx, particularly the requirements for integrated swift bricks as outlined in the PEA.</p> <p>Many councils are now insisting that new developments include biodiversity mitigations at the minimum rate of one integrated swift brick and one bat brick per new dwelling. It would be really helpful, if Dacorum District Council could insert a condition requiring this within this development, should it be approved.</p> <p>Integrated swift and bat bricks are essentially hollow bricks, installed high on a building to give a cavity for wildlife to use. They are a really valuable conservation tool that should be used in new housing to help reverse the decline of this spectacular bird and bats. They last the</p> |

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| | <p>lifetime of the building and are inconspicuous, simple and inexpensive to install and do not require ongoing maintenance. Swifts are clean birds that take any mess away from the nest and their presence is likely to go largely unnoticed by the residents.</p> <p>North East Herts Swift Group. local group of Swift Conservation (www.swift-conservation.org)</p> |
| 23 Lakeside, Tring | <p>I support the comments of others who have committed in support of the 'fake' chimneys with integrated nest sites - namely the North East Herts Swift Group. local group of Swift Conservation Their comments are as follows:-</p> <p>"Many councils are now insisting that new developments include biodiversity mitigations at the minimum rate of one integrated swift brick and one bat brick per new dwelling. It would be really helpful, if Dacorum District Council could insert a condition requiring this within this development, should it be approved</p> <p>Integrated swift and bat bricks are essentially hollow bricks, installed high on a building to give a cavity for wildlife to use. They are a really valuable conservation tool that should be used in new housing to help reverse the decline of this spectacular bird and bats. They last the lifetime of the building and are inconspicuous, simple and inexpensive to install and do not require ongoing maintenance. Swifts are clean birds that take any mess away from the nest and their presence is likely to go largely unnoticed by the residents."</p> <p>And from my local knowledge Swifts do still nest in the village and any additional accommodation for these birds which are seriously threatened is welcomed. Any additional habitat creation as part of the development would also be of great benefit as this would provide shelter and food for wildlife particularly swifts but also other birds such as house martins and swallows; it would also be good to see measures included for the gardens on this development such as the integration of measures to provide wildlife habitat, shelter and the capacity for small mammals to move between gardens and the wider countryside</p> |
| Objections | |
| 1 Astrope Lane | <p>Once again we are having to give up our precious time to respond to further flawed documentation. Quite frankly this is insulting to the residents of Long Marston especially those that have suffered from flooding. We strongly object to the planning application for the 3rd time. All previous comments still apply and stand. This new document is like providing someone with a sticky plaster and telling them it will fix their broken leg. The careless errors within the documentation shows a total lack of understanding and disregard for the seriousness of the situation</p> <p><u>March 2024</u></p> <p>All points raised in my previous objection still apply and I am at a loss as to why this second consultation is required. The problems within Long Marston are very evident to anyone that knows or visits the area.</p> |

As I type there is water pouring down Astrope Lane, there is a constant stream outside our front gate. The drainage ditches are and drains overflowing. The risk of flooding again is very frightening and real, we worry every time it rains. My disabled husband and I are pensioners and struggle to lift the flood defences kept in our front garden to protect our front door and home. Why would anyone think it was acceptable to increase the risk to our home that has been in the village for years.

Our Victoria cottage within the conservation area looks over this application site. When we went through planning we had to jump through all sorts of hoops due to conservation requirements, but I don't believe conservation have even been consulted on this matter even though it borders the conservation area. How is it acceptable to consider putting a totally out of character bus stop, turning area so close to the conservation area.

What has happened to this piece of land over recent years is incredibly sad, once a beautiful green open old English meadow.

Astrope lane isn't safe, so risky pulling out of our drive due to parked cars, even on occasions blocked by inconsiderate motorists. We have to edge out very slowly as there is no visibility until you are actually in the road. Traffic is fast and the road is usually wet making is unsafe especially under braking. In fact in the area outside our cottage the road is single lane 90% of the time due to the amount of parked cars.

The parking is even extending further down the lane now destroying the once pretty green verge to the left of us. The thought of a bus parking and turning opposite increasing the risk not only to us living so close by but the children on the bus and any pedestrians trying to access this so called new public footpath/nature trail. How will anyone get to this path safely there are no pavements along Astrope Lane and there are plenty of public footpaths already in the area.

At the beginning of this process a lay by was suggested for the school children, it was very evident that thought and care for the children was not on top of the priority list, just an angle again to gain support from others no associated directly with this area and especially by those that haven't suffered the trauma of flooding.

There also seems to be no thought to the visual impact this development will have on the village or the disruption it will cause.

When Loxley Stables was being built it was horrendous, constant bonfires, noise, lorries and delivery drivers knocking at our door. I don't think the applicant has given a second thought to their neighbours.

We don't believe this will solve any problems for traffic in Station Road or for the school. The traffic is an issue all around the village as it has increasingly become a cut through due to so many new builds in the surrounding areas. The development won't solve any problems it will just heighten risks for all whether it be from flooding or road safety.

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| 11 Astrope Lane | <p>We object to the revised drainage proposals.</p> <p>*The proposal to send the runoff water from this development along the ditches along the Braid and into the Tring Bourne will increase the risk of flooding the houses which are low lying and those on Chapel lane which have historically flooded. Extensive work, which was funded by Chapel Lane residents, is going to have to be undertaken within the next few years again to maintain it to prevent flooding. The development will only be contributing to the problem</p> <p>.</p> <p>*The proposal of sending the water along the ditches of Astrope Lane will also be detrimental to residents, of which I am one.</p> <p>These ditches were put in for run off from the road not housing developments. We already struggle with the landowners not maintaining these ditches. I have previously shared photos of the fields around mine and my neighbours houses which regularly flood, even more so in the last few years.</p> <p>The water which comes down from Long Marston at present is causing an overflow as it tries to get down the Gudgeon stream (not Tring Bourne). This has caused flooding further down towards Watery Lane and Puttenham. Furthermore, the proposal of extensive work to these ditches is a cause for concern as the Poplar tree roots will more than likely be damaged. These trees are already dying in some parts, also not maintained by landowners. If their roots are damaged they are more likely to fall. My and my neighbours houses are within metres of these trees. The Poplars are essential for helping prevent flooding and if they're damaged it may cause them to die.</p> <p>The work the developers plan on doing would need to extend well past Puttenham to have any significance at all. We are often flooded with road closures due to the overflow from the Canal and Rivers Trust, the extra water will just make water levels even higher.</p> <p>Please look at the photos previously shared by myself and others to see the extent of the flooding we have experienced in the last year and consider the residents it will be effecting.</p> <p><u>March 2024</u></p> <p>After seeing the revised plans we still object to this development.</p> <p>Flooding: Due to the Canal Trust opening gates in Wilstone early last week, we on Astrope Lane have been flooded from both sides. I had to call Canal Trust emergency lines as the water was running down like a river passed us towards Puttenham, causing roads, streams, ditches and footpaths to be totally flooded. This is on top of the fact that the ditches and fields on the other side of us, those on the development side are still overflowing. The field next to Tower View (Astrope Lane) remains knee deep under water. The developers have not even attempted to clear their ditches to try to help with any flooding issues.</p> |

As per my previous objection, the run off from the proposed development, which will be raised, will continue down Astrope Lane and result in our homes being even more at risk of flooding than at present.

Bus Turning:

I don't understand how this is even considered, as the bus which parks in a designated area outside of the school only parks for a limited time. The issue is that there is not sufficient parking for parents/carers when dropping off and collecting children from school. The parents/carers tend to come earlier and stay longer than the bus. In fact the bus turning point was put on the plans and advertised as a carrot to get support for the development from parents and residence.

The issue is indeed not the bus. The area which is planned for the bus entrance and exit is in very close proximity to a dangerous junction. There have been numerous collisions at this crossroads. The entrance is in an area where, due to lack of school parking, many parents park along the road and on the verges. This and the fact that drivers, using Astrope Lane as a through road, approach this junction at speed increases the likelihood of the bus, carrying children, to be collided with. I would ask the planning officer to please spend some time at this junction especially at school drop off and collection time.

The developers have also not maintained the hedgerow in this area. It has been allowed to grow towards the road, decreasing the width of the road causing cars to either stop or swerve when approached by cars from the other direction.

For both these and previously mentioned reason we continue to Object

Original Comments

Unlike the majority of people who are in "support" of this development, we actually live in the village and "Object" for the following reasons:

1. Flood risk:

We live on Astrope Lane in close proximity to the proposed development. Our home and neighbouring homes are squeezed between zone 2 flood risk areas, with zone 3 near the end of Astrope Lane. We have a culvert outside the front of our house which fills due to run off surface water from the road. This can at times during the winter fill to overflowing. The road at the end of Astrope Lane often floods causing road closures and is inaccessible by foot. The fields across from our house have furrows to help prevent flooding. These are waterlogged for most of the winter. The village has historically flooded which has had a negative financial, emotional and psychological impact on those involved and to the rest of the community. We have lived in the village during years when it has been flooded a few times in a few years, not every 10-100 years as expected. We are very concerned about the increased likelihood of the extra run off water from this proposed development resulting in our home and neighbouring homes flooding. It would be naïve to suggest

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| | <p>that there would be no or very little run off from this development. The water will be sent directly towards us resulting in our homes totally sitting in zone2/3 flood risk. We maintain our culverts but other landowners along Astrope Lane don't, which results in excessive water in the road. Even when the water does manage to flow along the culverts it can't go anywhere and forms a lake near the end of Astrope Lane just before Watery Lane. An appropriate name indeed!</p> <p>The development would put us at major risk of flooding. There's no reason this development should be given approval, especially as it's in such close proximity to flood zones and high-risk areas. The development is not required as there are still unsold houses on all the previous developments as well as those developments under construction at present. All the plans show how this development won't flood but doesn't show the realistic impact it will have on other parts of our village including our home and those homes in very close proximity.</p> <p>2. Traffic: Long Marston already struggles with speeding commuters using the village as a through route. Astrope Lane has no pavements and is dangerous especially when commuters don't adhere to the "30" limit. This is an ongoing issue which has already been taken up with the Council and Highways. 9 homes will equal at least 18 extra cars using an entrance onto Astrope Lane near an already congested dangerous junction. We already find joining Astrope Lane from our driveways hair raising especially in rush hours. Not to mention how the village and rural roads will cope with yet more oversized lorries while the proposed development is being built.</p> <p>3. Wildlife: Bat boxes, swift boxes, nature trail etc, all sound great for the sake of ticking environmental boxes. Established trees, plants and hedgerows can't be replaced by man-made boxes. The declining local resident Barn Owls are spotted hunting, to feed their young, on this piece of land most days. If the development goes ahead it will be yet another lost feeding ground for the Barn Owls.</p> <p>Breeding Green Finches and Linnets, which are now in declining numbers, also use this land as a feeding ground. Every night the bat can be seen feeding here too. Swift boxes will remain empty and literally be for cosmetic purposes only, as attracting Swifts takes several seasons. This is done by luring them to the boxes using high pitched Swift call recordings which need to be played continuously for months on end. I don't suspect that the new residents will be doing this. I doubt very much that the developers will be employing experts to help with the correct and optimal positioning of these boxes and other boxes. Swifts are very sensitive to their surroundings.</p> <p>As for the nature trail! I don't think so!!</p> <p>For these reasons we object to this and any further developments on this piece of land.</p> |
| 13 Astrope Lane | I write to object to this proposal, once again, for the same reasons as |

each time before.

Flood risk:

The pretty pictures on the diagrams do not disguise the fact that run-off from additional hard standing will place further strain on an already overstretched drainage system.

Threat to ecology:

Our wildlife is as precious as our community. The two are symbiotic and inextricable.

Traffic:

Further strain on an already dangerous road, which some commuters regards as a racetrack.

Infrastructure:

Already saturated, in every sense

March 2024

As a resident of Astrope Lane, I write objecting strongly to the proposal for the following reasons - which have altered very little from to my previous objections to the last version of this still unwanted proposal:

1: Drainage/ Sewage and Flooding:

The historical flooding shows that the village infrastructure is already inadequate, and further development to the existing buffer zone can only exacerbate the situation. The threat to existing homes, especially residents of Marston Court, is still very real.

As highlighted in previous objections, Section 13.1 of the DAS states that the runoff from the site will be collected and discharged into the ditch running alongside Astrope Lane. Who will take responsibility for the already blocked drainage ditch on the North West side of Astrope Lane?

On the current EA flood risk map, our home appears to sit on an 'island' surrounded by potential flood waters. However, during previous flooding events, even before the addition of the Loxley Stables development, we were not able to access either Puttenham, or the crossroads, either by car or on foot. Since the existing Loxley Stables development was completed, there has subsequently been further severe flooding in parts of the village, showing that the developers' claims of "actually reducing flood risk issues within the Long Marston Area" have proved to be false.

In addition, as responsible residents who regularly clear the ditches at the front of our properties (as do our neighbours), many of us take umbrage at the suggestion by the developers that previous flooding

has been a consequence of failure by local people to carry out basic maintenance of culverts and drainage. Some of the most severely blocked ditches on the North side of Astrope Lane are owned by landowners who are not local residents, therefore not part of our unique community. This development will increase the risk of flooding of our homes.

2. The proposed, so-called 'Nature Trail':

I still strongly argue that we already have a rich and diverse 'nature trail' on Astrope Lane. Our existing hedgerows are comprised of Crataegus, Ulnus, Prunus, Sambucus, Ribes, Acer, Populus, Lonicera, Salix, Cornus, Euonymus, Hedera, Ilex, to name but a few woody perennials at the very least. I can't begin to list the herbaceous flora, fungi and fauna supported by even a short stretch of native hedge. How can this proposed development possibly begin to replace what we already have?

Black Poplar trees - home and regular hunting vantage points to a host of fauna, including myriad insects and birds, including Barn, Tawny and Little Owls - all of which are regularly sighted and heard along Astrope Lane. Indeed they are deciduous trees - a valuable part of a precious wildlife corridor, which lie dormant in Winter. 'Dormant' does not mean 'dead'. Roots continue to grow, imbibing water and linking mycorrhizal networks, even when a plant is dormant. (If it weren't the case, then the horticultural/arboricultural 'bare root season' would be somewhat pointless).

The Black Poplars on Astrope Lane that have lost the most limbs, and indeed have cracked at the base, fallen, and cut off the mains electrical power to Astrope Lane residents, are those on the land belonging to irresponsible owners, who have not kept them regularly pollarded. The poplars on the section of The Braid which have been maintained by responsible landowners, stand as a shining example of what must be done to keep them healthy. I attached a photo of a Black Poplar acting as an invaluable, living mechanism for water dispersal.

I wish to remind all that an entire hedgerow was removed - outside the boundary - when Loxley Stables was built. We watched in horror when the diggers came, very early one morning. That hedgerow was never replaced. There is at least one aerial photo of the site, before development, which clearly shows the former existence of that hedgerow.

- "Identifying whether a black poplar is a clone of a common species..."

Whilst I fully understand the need for genetic diversity, clones or not - they're part of the existing green corridor!

- "The orchard will comprise a range of apple and pear trees..."
Orchards need careful management. Who would be responsible?

3. Bus drop off location: Another hard standing. Astrope Lane cannot

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| | <p>possible support any more hard standing!</p> <p>"This is included to help ease congestion along Station Road and significantly reduce the risk of an issue that has been ongoing for the school and indeed village."</p> <p>In our view this is utterly impractical. We residents of Astrope Lane already take our life in our hands whilst either joining the all-too-frequently speeding traffic, or trying to return to our homes.</p> <p>Whilst it may ease congestion along Station Road, it simply shunts the problem to an already dangerous road.</p> <p>We will still be watching very closely, in case the existing Black Poplar tree 'accidentally' catches fire too!</p> <p>4. SO how exactly would this proposed development ease the national housing crisis? There is no housing crisis amongst those who can afford 3 and 4 bedroom houses in the South East of England. How many persons on low-income, and/or first time buyers would this development be of use to?</p> <p>5. Light pollution:</p> <p>Presumably these enormous edifices will be lit extravagantly, as seems to be the fashion, further interrupting the circadian rhythms of our community and the nocturnal hunting potential for our wildlife.</p> <p>For these reasons, I have no confidence in this proposal and do not support it</p> |
| 15 Astrope Lane | <p>The risk if flooding remains as high as ever. The jeopardy for local residents remains significantly high, flooding if homes and cars is heartbreaking and financially ruinous. The plans to mitigate flooding are theoretical and untested, and may not work or may not even materialise. There is a rise in Astrope Lane, how will water flow uphill? The plans are dependent on prolonged cooperation from other landowners over a period of time, which is impossible to guarantee. The mitigations are substantial and need to be in place prior to permission being granted, in fairness to those of us who live locally. A hydrologist needs to report on the plans too. Although the planning department may not find the environment of much significance, Astrope Lane has a huge amount of character and charm and local history, and is loved passionately. The hedgerows and black poplar are ecologically precious. Barn owls roost in the black poplars. The skyline at sunset is staggeringly beautiful. Any digging should not be near the roots of these trees or hedgerows. Please save these beautiful and precious local assets and ensure that they are all protected if any work is done near to them. There is clearly a tremendous risk of flooding in this area, it's surprising that the council are still considering this application over such a prolonged time. The nature of the application has changed significantly from when it started, and is now proposing work in Astrope Lane and the Braid. There should be local consultation on these plans as many people are not aware of them, before permission is granted.</p> |

March 2024

I am disappointed to have to submit further objections to this very problematic application. These proposals are causing significant distress at the thought of the very real and significant flooding of homes, and traffic implications. It is hard to overcome the evidence of my own eyes and common sense to suspend belief that this development can go ahead without causing flooding at the junction and increasing the likelihood of cutting me off from road access when it floods (as has happened previously), and also tipping the balance of flooding for residents along Marston Court and the end of Astrope Lane.

Due to these realistic fears and potential of damage to the homes of local residents through flooding, I object very strongly to these plans. I believe that there needs to be further, in person, consultation with residents adjacent to the development, ie Loxley Stables, Marston Court and Astrope Lane, who are the people who will be mostly affected. The plans should not proceed without a severe weather flood plan being in place for the whole village.

The odds are so high locally for the adjacent residents these plans need to be given the fullest scrutiny by the council and referred for discussion with electricity and water board and highways at a high level, with consideration given to support residents whose houses flood thereafter if approved, and a full emergency flood plan in place for future times of flooding.

I do not consider that it is appropriate to involve the views of the school into these plans, as it pits the interests of the potential damage of properties of residents of Astrope Lane and Marston Court against the perceived interests of the school, and is thus divisive and unfair. The idea of the bus turning circle/ bus stop should be separate applications. I note that the bus turning circle had been first mooted linked to the development of Loxley Stables some years ago, which did not materialise.

The planning applications for the building of houses and the inclusion of a bus turning circle need to be kept separately to be fair to all residents and the school parents. I object strongly to them being considered together.

The entrance seems to impinge on the entrance to Marston Court, and the plans seem to cut across or very near to their vehicular access. The plans need to be clarified, and measures put in place to protect the property and access of Marston Court, and further discussions with the residents seems appropriate prior to approval being given. If the turning circle goes ahead, the entrance must not be near to the junction with Tring Road.

The plans to do not consider the current volume of traffic, it is based on out of date statistics. The entrance needs to factor in the level of parking on Astrope Lane at school drop off times which could prevent the bus turning into the area, and cause chaos. The traffic between

8,30 and 9.00 is at its heaviest, and many people commute through, needing to get to work. I also need to get to work at this time. The road through Puttenham regularly floods, I do not possess a 4x4 and need to be able to access via Queens Head junction. Even tonight, as I write, (10/03/2024) there is a stream running along the road at the junction, which I have to drive through. I work late some evenings, as a key worker, and there are insufficient flood warning signs. I have recently had to have the panel underneath my car secured at Kwik Fit having had to drive through the stream on the road in Puttenham when driving home at night. There were no flood signs. The traffic therefore needs to be measured again during these busy morning commute times, and not at any other time. Having a bus attempting to manoeuvre at this busy time will cause great annoyance and inconvenience to all road users. There is no pavement there, and it is a bottleneck, despite this, parents use it as a parking spot to take their children to school. It is already a hazard, which would only be made worse.

It was noted by the school when the bus stop on Astrope Lane was proposed previously that the bus only takes a few minutes to embark/disembark the children. In this case, it has to be considered that the congestion currently outside the school is caused mainly by parents parking.

This will continue outside the school. There is the potential for further problems spreading to Astrope Lane and not alleviating the problem outside the school. This needs to be considered by the school, highways, parents and the council separately to this application. This development could leave space for the potential bus stop inside the development and set aside funding if the application for housing is granted.

A temporary trial of using Astrope Lane as a drop off at Loxley Stables entrance and using the current footpath might help the school gauge how effective this proposal is and iron through any issues such as chaperoning the children, insurance, impact on local traffic. If the turning circle goes ahead, will the safety of pedestrians on the footpath be safe from reversing busses and traffic, and will the public be able to use the 'nature trail' or not?

I object to this application as a resident of Astrope Lane, who has lived here for almost 30 years, and someone who needs to get to work daily. The decision needs to prioritise the views of people who live locally and will be directly affected by the blight if it goes ahead, above those of people who do not live adjacent to the development. People living outside of the area will not be affected in the same way.

I have a very significant concern about the effect of flooding at the Astrope Lane junction/ Marston Court. This should not be minimised or seen through rose tinted glasses with theoretical solutions. Swales should not be used in such a boggy location unless they are fully guaranteed and tested in this location beforehand through flood conditions (not just heavy rain). There is an electricity station across the road, where water already gathers. The plans look as if water will be directed towards this.

The houses of Marston Court have avoided flooding by a millimetre. Flooding is literally a living nightmare, and the fear of flooding also causes immeasurable distress. Many of us have seen this with our own eyes in local houses. This is a high risk flood area. It would be completely unethical to go ahead with this development at this location, where the threat of flooding is genuine and real, without significant flood mitigation in place at this point and in the wider village. Many of the residents around this development are elderly, unwell and single elderly women, who are least able to cope with the flooding and the most vulnerable in the community.

For this reason I believe it is necessary for the council to have further in person, face to face consultation with these particular residents in Marston Court and Astrope Lane. The planning department need to consider future predictions for global warming and weather patterns and not rely on luck and goodwill of other residents to keep the ditches clear. The local ditches and culverts get filled in and blocked, the village has suffered significant flooding periodically within living memory. This is unpredictable and erratic. Not having had a flood for the past few months does not give any reassurance that this won't happen again in future.

A comprehensive long term flooding plan for the village needs to be in place before this application should be considered. Building on this spot where there is nowhere for surface water to go to, other than the already overwhelmed Astrope Lane, would be taking a very reckless gamble with other people's houses and also cut off Astrope Lane in my opinion. In previous years the junction at the Queens Head has been impassable due to floods, and it would be reckless and inconsiderate to knowingly add to this problem.

I am also extremely concerned about the impact of this development on the beautiful natural community assets involved. The previous adjacent related development of Loxley Stables promised to nestle into the environment, but in reality, it destroyed the hedgerows all round. I used to walk along the footpath with my children to school, it was absolutely beautiful, full of wildlife, birds and blackberries. No new nature path will recover this damage. This development was signed off and approved by the planning department, these hedgerows were not replaced. This includes a blackberry hedge within the new development. One of the black poplars along Astrope Lane caught fire a couple of years ago within this new development. The current plans involve further removal of a part of the hedgerow for access. The hedgerow along Astrope Lane is alive with birdsong, and every effort needs to be made to keep this hedgerow alive and well and intact without breaks in it. There is a footpath to the village along the school boundary and also there is no pavement on Astrope Lane, so there is no need for any parts of the hedgerow to be cut for the sake of the new residents. The hedgerow is currently very overgrown and neglected. The black poplars are a part of the black poplar trail and need to be retained and maintained, even added to, if there is a commitment to nature. The barn owls hunt in the planned site. The newts need the grass around the pond.

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| | <p>Although this seems to have very little, if any value to the planning department in making its decision, it does cause distress to local residents when these are damaged. It is a much loved local community asset. The adjacent Braid is very well used by walkers, so keeping the area pleasant, rural and natural is important to many residents. The footpath within this development has been fenced in with wire, turning a pleasant village walk into a less pleasant experience. Preserving nature does not preclude building more houses, but we would all be so much happier if they really did nestle into the local environment not dominate and destroy it, and if the planning department considered nature and natural assets more seriously.</p> <p>The development is next to a conservation area, and needs to stay in tune with the rural character. I would ask that the Planning department take significant interest in this and protect the natural environment within this development with vigour and diligence to maintaining the natural nature of the hedgerow to full health, keeping local species and a variety of wildflowers of all kinds, in keeping with other hedges nearby.</p> |
| 19 Astrope Lane | <p>We would like to renew/re-affirm our strong objections to the recent revised application.</p> <p>The re-submission of this application seems to have made little alteration to the house plans and seem instead to concentrate on the re-inclusion of a school drop off point.</p> <p>The re-inclusion of the siting of a bus drop-off point for the school should not be considered as part of this development but as a separate issue. We agree with others that this is divisive, being used to enhance the desirability of this development to gain support.</p> <p>Due to the serious concerns over flooding the style of the house designs have been over shadowed. They do not fit in with any properties in the village with the exception of the previous Loxley Stable development, they don't really take much notice of traditional features and although Long Marston and Astrope does have a mix of old and newer, more recent developments such as Ravens Court and Wheelers Yard seem to assimilate themselves in to the village better; with this site close to conservation areas and open fields a more traditional, rural design would be more appropriate with the use of local materials where possible.</p> <p>The style and volume of Loxley Stables does not fit into the landscape, it stands out and dominates the vernacular and our concern is this would do the same.</p> <p>The Astrope Lane ditches are currently full to capacity; having been noted by others, water is currently being discharged on to the road by the Marston Court entrance and the chapel having been doing so for some considerable weeks, the proposal to discharge further water from this development into the (unmanaged and dammed) ditches is only going to threaten infrastructure and properties further.</p> |

There are a number of issues that make the sighting of a bus drop off point on this development unsafe.

Local residents have no other option but to park outside their homes close to the cross roads of Astrope Lane and Station Road, this means, traffic, including the proposed bus would have to take the turning into Astrope Lane on the wrong side of the road meeting oncoming traffic, exacerbated by increased parental parking down Astrope Lane, traffic is queued back to the chapel by the application site on a daily basis. Parents of Long Marston School children have taken to parking on the road and verge, beyond the Chapel in Astrope Lane, which further adds to congestion, causing damage to the verges and drainage channels taking water from the roads to the ditches and leaving pedestrians more vulnerable. This will make turning across the carriageway, in to the proposed turning circle very difficult and create further congestion for road users at a very busy time of day.

There are no footpaths down Astrope Lane pedestrians are required to walk in the road which is very hazardous due to volumes of traffic and its speed. We have lived in Astrope Lane for 18 years and we have seen very negative changes to the usage, flooding and condition of Astrope Lane in this time. Additional housing and traffic is going to be detrimental, exacerbating this situation as we have seen with more and more applications on this road being approved.

We would agree with other contributors that the current arrangement, although not problem free is preferable to this proposal, that this proposal would be moving the problem rather than resolving it.

The crossroads is probably the worst congested part of the village and adding the school bus into the mix is counterproductive. If a solution to the school bus is required alternative plans should be sought aside of this site.

We also note that it is proposed to have an additional access from the development to the school playground. This may encourage additional parents to park in Astrope Lane rather than use the main gate. Policing two gates will take additional school resources and we would consider an additional school gate to be a matter for the school to seek planning permission.

The sighting of the school drop off point here will certainly mean the removal of trees and hedgerow to facilitate the bus driver having sufficient line of site to pull out of this area, This would have two effects, firstly the loss of habitat which provides food and protection to birds and wildlife, and we would highlight comments made by others regarding the hedgerow removed and not replaced by the previous Loxley Stables development. Secondly, it would reduce the screening of the development, creating a larger impact on the street scene and for those residents living close by.

The Land owners to date have not taken their legal responsibility to maintain the ditch or hedgerow, saplings are growing in the ditch adjacent to this site and the hedgerow has grown up to the edge of the road in places, impeding visibility for cars and pedestrians. The

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| | <p>developers paint a great picture of the environmental credentials of this development but they should be judged on their actions up to now, rather than of what might (or might not be) in the future. There has been no community mindedness in their approach so far, no attempt to play their part in minimising flood risk to immediate neighbouring homes.</p> <p>Part of their application suggests installing significant log walls, these will take considerable upkeep to maintain their safety as the logs shrink over time due to moisture loss and have a tendency to collapse unless regularly chocked up. Such ideas may be aesthetically pleasing to promote an application, in reality who is going to maintain these along with orchard?</p> |
| <p>The Chapel House, Astrope Lane</p> | <p>The bus turning access is at a very dangerous point in the road. It is adjacent to them vehicle access behind Marston Court, the road is narrower here than further down Astrope Lane, cars regularly park on the verge opposite and it is on a blind bend.</p> <p>I believe it will only transfer the school traffic problem from Station Road to Astrope Lane</p> <p><u>March 2024</u></p> <p>Having reviewed the amended plans and noted that the bus turning point is now sited off road, I still object to its positioning.</p> <ol style="list-style-type: none"> 1. An assumption has been made that the bus will be able to turn into and out of the space WITHOUT being impeded by any other vehicles on Astrope Lane. In reality, vehicles park from the crossroads as far the road sign at school drop off/pick up times (as you can tell from the muddied area on the verge), not to mention moving vehicles coming into and out of Astrope Lane, which are on the wrong side of the road. 2. I disagree that the driver will have adequate visibility when turning out of the turning area, given that they will be driving into oncoming traffic. The exit also appears to encroach on the Marston Court exit, which will be hazardous for those residents. The 'swept path' mapping indicates that vehicle access for residents at 1-3 and the Chapel House, Astrope Lane will also be hazardous. 3. It appears that the bus will reverse into the southern end of the 'nature trail'/footpath - surely this is a bad idea? Not to mention an assumption that school staff will always be available to manage the children alighting the bus. 4. The crossroads is hazardous for anyone turning right out of Astrope Lane, or right out of Cheddington Lane, due to lack of visibility. At peak traffic times, especially with HGVs and skip lorries turning into/out of Cheddington Lane, the junction can get gridlocked. The additional hazard of a bus turning out of Astrope Lane is a recipe for disaster. 5. It is also stated that the two mature black poplars will be much reduced in size, to which I also object, as they will provide some |

screening from the development for the houses opposite. I am also cynical as to how long it would be before the 'management company' decide to remove them altogether.

6. Flooding still does not appear to have been addressed. Given that, for the last few weeks, there has been a stream running along the Astrope Lane carriageway outside the Chapel and number 3, because the ditch is overflowing, this is a major concern. And access to the bus turning area and housing will still necessitate blocking part of the ditch in two places, on that side.

7. Hazard to pedestrians: there is no footpath in Astrope Lane, and cars park on the verges. Where are pedestrians supposed to go to avoid the bus? The only people the new footpath will benefit are those using the school bus. There is still no amenity made for Astrope residents trying to access the school. There is no crossing point for those parking cars in Astrope Lane to access the new footpath to the school.

SUGGESTION:

Relocate the footpath, bus turning point and site access to utilise the long driveway leading to Loxley Stables. The benefits of this would be:

1. Keeping the bus away from the Marston Court entrance and the crossroads.

2. Work is already planned for the drive: the "Addendum - Updated School Access Strategy" document indicates potential enlargement of the existing turning area for Loxley Stables, enhancing the hedgerows and moving the existing fence on the garden side of the proposed development. The bus could use this turning point.

3. Astrope Lane is wider at this point than closer to the crossroads, vehicles are not parked as far down as the Loxley Stables access, and there is a better line of sight for vehicles leaving the drive.

4. There is already a footpath - which, again, the plans indicate is going to be enhanced - so there would be no need to excavate another.

5. Access for pedestrians from Astrope would be safer away from the crossroads and parked vehicles.

6. Reconfiguration of the housing could also allow access via the Loxley Stables drive, for example, if houses 1 and 2 followed the same line as houses 6 to 9, access could be provided alongside house 3.

7. Existing hedgerows would be retained by not having to grub out two access points (for the bus and the residents' access)

Original Comments

I would like to show my support for this development.

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| | <p>Looking at all documentation, I believe the developers have put real thought into flooding, wildlife, and types of housing needed within the village.</p> <p>I would expect all flooding solutions to be scrutinized by Dacorum to ensure the safety of surrounding houses and village.</p> |
| <p>6 Howard Avenue, Aylesbury</p> | <p>Having reviewed the amended plans for application 23/01998/FUL my original objection dated 23/08/2023 remains. Attached below:</p> <p>The amended plans do nothing to relieve my initial concerns and instead add to them.</p> <p>1) The traffic on station road will not be "significantly reduced" as suggested. As a daily commuter to the village & previous resident of Marston Court, the notion of a bus having to navigate Astrope Lane & exit the proposed layby will only add to the congestion of the crossroads, it will impede traffic entering Astrope Lane, a junction that is already dangerous to enter due to existing cars parked on the cross Roads - further backing up traffic on Station Road.</p> <p>2) The Road safety audit used as supporting documentation provides irrelevant information, Page 17 reference 1.5 "The Audit Team undertook a site visit on 19th January 2024 during the late morning between 11:30 and 12:15." Any information collected during this time period is of irrelevance when considering Astrope Lane to be a safe location for a school bus. Such survey should have been undertaken between the hours of school drop off & pick up to hold any merit.</p> <p>3) Page 17 reference 3.4 "the existing verge drainage ditches to both carriageway appeared not to be draining." Flooding has been and continues to be a significant problem for the residents of Long Marston as previously noted in my original objection. This statement in the developers own "supporting" documentation shows that the current drainage is already not working, how would building an additional 9 houses and removing the natural soak away of this field not further increase the strain on the village and increase the flood risk.</p> <p>4) Page 23 shows 2.4m x 43m visibility splay - yet this line runs straight through an existing hedgerow.</p> <p>Copy of original objection - concerns remain.</p> <p>Flooding:</p> <p>Long Marston is noted as a high-risk flood area, a fact which is supported by the documentation submitted with this planning application, see images on page 13 of Doc Ref P200 of the design and access statement which clearly show that whilst the proposed site is not in a flood risk area, the surrounding areas of Long Marston are. Having grown up in Long Marston and having lived at Marston Court for 10+ years whilst continuing to work in the village I have experienced first-hand the significant impacts flooding has on the residents of Long Marston. At times of heavy rainfall, residents of</p> |

Marston Court have experienced water of knee height in the car park rendering the lucky ones of us house bound unable to move our vehicles, whilst those not so lucky experienced such damage to their vehicles they were written off by insurance companies, Garages flooded & water lapped up at the back doors. This is not isolated to Marston Court with numerous homes in the village experiencing the same negative effects. Building on an existing natural soak away, can surely only add to the existing flooding risk Long Marston already faces, adding extra anxiety to residents.

This concern does not stop with just surface flooding, with the current drainage unable to support the existing homes of the village during times of heavy rain. During such times residents of Long Marston have had to work together asking neighbours to avoid flushing toilets, showering or completing loads of washing (all essential daily tasks for families). Can the developers be 100% confident that building on this soak away wont further add to these stresses faced by residents? Document P200 states "There is also a large, central communal garden area with additional SuDS features including a detention basin and swale" for such measures such as the basin and Swale to be effective they must be maintained. How will this maintenance be ensured by the developers?

Highway Safety:

The relocation of the school bus stop from Station Road to Astrope Lane is an impractical, dangerously flawed aspect of the application. Having driven down Astrope Lane daily for several years, I now avoid this road where I can. Astrope Lane is a rat run; with cars far exceeding the 30mph limits, whilst manoeuvring the tight bends, parked cars and avoiding the increasing number of potholes and destroyed verge. The application shows the bus stop on a blind bend, on an already dangerous road. Adding a bus lay by in such a location poses a risk to all road users, as it will massively hinder the visibility of those road users' pedestrians & drivers included, especially when the existing parked cars are also taken into consideration.

For the children to exit the bus safely from the left and straight onto the proposed new pathway the bus will have two options,
1) to enter the village from the direction of Puttenham; a tight drive for cars let alone busses or
2) to turn left at the cross roads when entering from Wilstone, which will result in the bus having to take a wide turn onto the wrong side of the road, due to the number of parked cars close to the junction of the cross roads, before proceeding down Astrope Lane and finding a 'safe' place to turn (places which I feel do not exist with such sharp bends).

Documents have been uploaded from the school showing their support of this relocation, but has a full risk assessment been conducted? And has the bus company themselves been consulted and offered the opportunity to complete their own risk assessment? As they are the ones who will have to adapt their current routes. As part of this relocation a new path is shown connecting this proposed layby to the school, an area which will need constant maintenance to ensure

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| | <p>the safety of the children, who will be responsible for this upkeep? Will the school have to add this to their budgets? Will the developers be appointing a managing agent to care for this path and all communal areas of this proposed development? Or will it fall to the residents of the new houses? It has been suggested that this relocation will help ease congestion through the village, as a daily commuter to the village I am certain that this is not the case, it simply relocates the congestion to a more dangerous part of the village. I believe that it is also likely to add to such congestion whilst the bus must manoeuvre the tight crossroads, rather than proceeding straight on causing congestion on Station Road, Tring Road, Astrope Lane and Cheddington Lane.</p> <p>Overdevelopment:</p> <p>The design and access Statement section 5.6 states "The Housing Needs Survey identified a demand for market starter homes in the village as well as units that would accommodate more elderly people wishing to downsize." The construction of 3x 3 bed houses and 6x4 bed houses does not meet this need of starter homes. Having grown up in Long Marston, my partner and I had to move away from the village due to the lack of affordable housing, I am doubtful that the 3 & 4 bed houses proposed will be feasible "starter homes" for the vast majority of first-time buyers looking to stay in the village, nor would a 4 bed be considered "downsizing" for the majority. "We believe that the results of the Housing Needs Survey and our own consultations show a demand from local people for a mix of unit sizes" "The proposals consist of: - 9 units with a mix of 3 and 4-bed dwellings to accommodate the identified different user groups" a quick search on any house buying site will clearly show that there is no shortage of homes of this size, is their truly such a demand with such a vast number of homes of this size on the market within a close radius? Including those that have already just been built within the village. The existing infrastructure cannot adequately support the existing homes of the village, as highlighted with the flooding issues noted above. Without the infrastructure being invested in fully prior to any developments it would be reckless to proceed with.</p> |
| <p>Loxley Farm , Chapel Lane</p> | <p>I write to object in response to the Flood Risk Addendum, Ditch Survey and Remediation Strategy, which only intensifies my previous concerns. The risk to flooding being paramount in Long Marston. The Ditch Survey and Remediation strategy is insufficient.</p> <p>I strongly oppose the report's proposal to make use of the ditch running along the Braid to remove water from the development site. This route would direct water to a number of low-lying properties already exposed to flooding. The level of increased risk to these properties is not addressed in the report and cannot be ignored.</p> <p>Surely, as a flood prevention strategy we need to be prioritising taking water away from the vulnerable existing properties rather than channelling more water towards them. I would urge you to refer to the records that specifically relate to the area previously flooded and the cost of public and private money previously spent dealing with flood water in the village. The survey and report shows the Tring Bourne and the Gudgeon stream joining which they don't; it shows ditches</p> |

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| | <p>where there are none, uses incorrect names and assumes an impossible direction of flow of water, with the greatest concern of all being that it will send water towards the low-lying end of Chapel Lane.</p> <p>The ditches in Astrope Lane were designed to remove water from the road. There have been huge sums of public and private money already spent to dredge the ditches, pump water and protect the existing properties in the village.</p> <p>If the development is approved, it would be my hope that a condition would be made on the developer to complete the ditch and drainage works prior to any works starting and a sum of money given to Long Marston Flood Working Party, to wholly fund annual work to maintain the ditches over the long term, to the standard that they propose in their Addendum report.</p> <p>As we stand, I object to the proposal and the flawed flood mitigation plan. It will simply add more water to the ditches of Long Marston which will only exacerbate the potential of further flooding,</p> |
| 3 Loxley Stables | <p><u>Additional Comment:</u></p> <p>With the Lidar information added to planning application 23/01998/FUL I believe it gives the opportunity to make further comments.</p> <p>The ditch which runs along the north of Astrope Lane and adjacent to the site is marked as approximately 85.5 metres above sea level for its length. It should be noted that while ideally this may be the case the ditch is almost completely overgrown with established trees and shrubs. These were very roughly cut back by HCC in October but the ditch remains blocked.</p> <p>Moving south west towards Astrope the Lidar information is not given for the ditch but the banks are the same Lidar values. However if you move north east towards Marston Court the Lidar values go down to 85.6. This is where historically the water from Astrope Lane flows as shown on many photographs already submitted. It cannot be changed unless the ditches are all dug out AND maintained to a Lidar value of 85.6 or lower. The ditch along the north side of Astrope Lane is blocked at numerous points on its way to Gudgeon stream by mature black poplars and in places the ditch appears no longer to exist.</p> <p>The ditch which runs north west of the site and adjacent to the drive of Loxley Stables is shown to have a Lidar value 86.1 then 86.7 then 85.73. As it reaches Loxley Stables what this Lidar map does not show is that the Lidar values rise as you move north westwards towards the Tring Bourne. It is misleading to leave out the Lidar values along the fence line of 1 Loxley Stables where the Lidar values are higher. In fact the owner of 1 Loxley Stables, one of the developers, laid pebbles in the ditch in August 2024 to make it look like a ditch but by doing so has raised the height.</p> <p>Water never runs north westwards in this location. It pools at the gateway in front of 3 Loxley Stables as shown in previous</p> |

photographs relating to this application because water does not run uphill.

In conclusion the water from the proposed development without considerable deepening of the ditches and ongoing maintenance would flow as it does now towards Marston Court and the crossroads.

Indeed there once was a ditch along Station Road before Marston Court was built ...and the village water pump was located on that spot!

Talking of the history of the site it is obvious when you study the buildings of Long Marston that our ancestors had the intelligence to build on the higher ground. The cottages in Astrope Lane were not built closer to the crossroads because the land was low and further along the lane the land is higher.

Planners in 2015 insisted that the whole site of Loxley Stables should be built up by 0.7m ... they too knew that this area was liable to flooding. However, in raising the whole area of Loxley stables it has safeguarded those houses from flooding while leaving the older properties more vulnerable. Allowing this development would do the same.

October 2024

1. On 8th March 2024 Hertfordshire County Council in its capacity as the Local Lead Flood Authority (LLFA) recommended that this application be refused upon the basis the land drainage proposals were unsatisfactory. The use of the roadside ditches in Astrope lane was deemed to be inadequate without major engineering works requiring the cooperation of third-party owners.

2. The applicants have been allowed considerable time to come up with alternative proposals which were not lodged until 18th September 2024. Those proposals are contained in a document headed "Flood Risk Mitigation Addendum". The document is silent as to the expertise (if any) of its author. Bearing in mind the land drainage issues affecting this proposed development site it is essential that any response to the concerns of the LLFA are addressed by a suitably qualified land drainage engineer.

3. In an email to the Clerk to Tring Rural Parish Council in connection with this application dated 1st March 2024 the planning officer stated this:

"It is disappointing that the Parish Council do not consider that advice of the LLFA can be relied upon. It has taken some persuasion for them to provide comments upon a number of smaller developments in the Parish given that they are only a statutory planning consultee on major development proposals and such comments, in my opinion, ultimately undermine our ability to adequately assess the implications of more modest development upon flood risk in the area. The LLFA perform this service for free and in addition to their daily responsibilities and fill a gap above our expertise."

4. It is clear therefore that the planning department of Dacorum Borough Council lacks the expertise to express any views upon the drainage proposals put forward by these applicants and rely entirely upon the goodwill of the LLFA to provide advice.

5. In an email to these applicants dated 7th August 2024 the Senior Flood Risk Officer at the LLFA stated this:

"I would note that a) the LLFA has never been able to attend site visits for every single planning application, even when we had more than just one officer and b) it is worth noting that as these applications are non-major , DBC is under no obligation to consult the LLFA and we are under no obligation to respond."

6. Although I await sight of the LLFA's comments, the conclusion to draw from the above is that the very real land drainage concerns in this area are proposed to be addressed by a flimsy document produced by the applicants not backed up by any professional expertise, which in turn is being considered by a planning department also without the necessary expertise and relying upon the goodwill of an under-resourced LLFA to provide comments.

7. The drainage proposals put forward by these applicants are fundamentally flawed. The ditch along Astrope Lane does not flow towards Gudgeon's Stream (also called Ashen Brook), not just because of lack of maintenance but more importantly because of the levels. The secondary outflow proposal across the Braid towards the Tring Bourne is equally flawed. Publicly available topographical information indicates that the levels beyond Loxley Stables are higher than the area immediately outside 3 Loxley Stables, which is the cause of historic pooling of water outside my property of which the planning department and LLFA have photographs. Again, as with the ditches on Astrope Lane, water will never flow as suggested by the applicants. Indeed correspondence which I have received from the owner of the Braid confirms that there is no ditch which is connected between the development site and the Tring Bourne, which is not unsurprising in view of the levels.

8. Apart from the merits or otherwise of these drainage proposals there remains the question whether in planning law it would be lawful to impose the conditions as proposed by these applicants. It is established law that conditions should only be imposed which can be said to fairly and reasonably relate to the permitted development (see *Menston Action Group v. City of Bradford* 2016 EWCA Civ 796). These proposals go well beyond that so that any concerns about land drainage cannot lawfully be dealt with by conditions and to seek to impose them would be *ultra vires*.

9. In summary:

a) The applicants have failed to provide a report from a suitably qualified land drainage engineer to back up the proposals in the "Flood Risk Mitigation Addendum"

b) The Dacorum planning department lack the expertise to scrutinise

the proposals, and the LLFA is not funded to do so thus any advice has the limitations resulting from its lack of resources.

c) The land drainage proposals would appear to be fundamentally flawed

d) In any event it would be unlawful to impose the sort of conditions proposed by these applicants.

10. I can appreciate that this proposed development site might seem attractive to planning officers as a potential for development. However, even if the LLFA satisfies the planning authority of the adequacy of the land drainage proposals (and my principal submission remains that this should not be the case) then those proposals cannot lawfully be implemented by way of planning conditions. The correct (and lawful) approach should be to provide the applicants with advice (akin to pre-application advice) as to what would be acceptable land drainage proposals and for those works to be carried out before permission is granted.

I would urge planning officers to obtain legal advice before proposing the conditions suggested in this application and for the members of the Development Management Committee to see that advice.

October 2014

I can't believe that I am writing these comments some 14 months after the original application was submitted. It really does feel as though the planning officer is doing everything in his power to allow these houses to be built. Time and time again the developers have been encouraged to submit further plans to overcome the objections to the school coach drop off lay-by/reversing place and the drainage issues.

The most recent plans relate to the drainage of the site. I am staggered by the poor and inaccurate map that has been submitted by the developers and appears on the DBC website. The rivers are incorrectly labelled. The Gudgeon Stream which is a relatively large waterway is labelled the Tring Bourne. The Tring Bourne, which is not labelled, runs beside Chapel Lane and has been the cause of considerable problems over the years because it has flooded properties in Chapel Lane on many occasions. It should be noted that the map on the Ditch Survey and Remediation Strategy shows the Gudgeon Stream and Tring Bourne joining which they do not. They both flow independently into the River Thame. The map also shows ditches where there are none and ditches that join up where they do not. It should also be noted that the Gudgeon Stream is used by the Canal and River Trust when the reservoirs are too full as an overflow. This happened on several occasions last winter which caused massive flooding of both Watery Lane and Astrope Lane. The village has been assured by the Canal and River Trust that in future they will give us a warning when this will happen! Some consolation I suppose!

This brings to me to the difference between ditches and streams. Ditches drain the highways and land ... they do not necessarily flow but obviously do if they are full and the land levels allow. The ditches

in Astrope Lane do not flow. I have numerous photographs of them full to capacity and indeed overflowing across the road and into fields. They do not flow either towards Gudgeon Stream or Tring Bourne. On the Ditch Survey and Remediation Strategy P200 SK4 states that the water would flow in a 'shallow ditch along boundary of field 1'. The developers do not have the landowner's consent to do this and I believe permission should be seen in writing before any planning is granted. The landowner believes that the old ditch would be 'reinstated'. They also state that the 'ditch to cross fence and reconnect with existing gravel lined ditch'. This gravel lined ditch was created by the developer by laying landscape fabric on the ground and then pebbles on top in July 2024 just before this drainage strategy was lodged with Dacorum Borough Council Planning. It makes a mockery of the situation. The 'ditch' here is now higher than it was, water has never flowed in that direction and it doesn't join with the Tring Bourne. The developers are jumping through hoops and the planning officer would appear to encourage it!

The black poplar tree is the most endangered native timber tree in Britain and it is very thirsty which is why there are many in the ditches of Long Marston. Despite this the developers intend to clear these ditches where the roots of these trees penetrate the ditch sides and base so putting these very mature pollarded trees at risk. The developers themselves question when the work will be done by the highway authority at location 03 so surely this work should have to be completed before more run off is sent in that direction. Their proposals to dig out a new ditch in the furrow of the ridge and furrow field in field 3 of the Braid would again need the consent of the landowner which I believe once again they have not acquired. What is required is not just an informal exchange of emails but rather a binding agreement granting the necessary easements.

Which brings me to my final point on drainage. Even if all of these proposals were executed successfully the ditches would have to be deeply excavated to achieve any flow and MAINTAINED! Who will maintain them in the future? The PC wrote to all the local landowners last winter when Long Marston suffered flooded roads and footpaths but there is little evidence that this has been carried out. Water does not run up hill generally and looking at the local LIDAR and topographical map in more than one place this would be expected.

Not only that but probably most important of all is the proposal that more water would flow into the Tring Bourne where only 3 years ago local residents joined together with some local authority help to dredge the river to prevent their homes being flooded again. This dredging, we are told, will have to be done on a regular basis so water needs to be diverted away from the Tring Bourne not towards it!

The topographical map clearly shows that water from the Astrope lane ditch adjacent to the proposed development runs towards the village, the crossroads and Marston Court. I must also point out that it was the builder and developer (the same developers who are making this application) who filled in the ditch (referenced Conditions Area 4 points 2 and 3) evidenced by the fact that the fence posts are not covered at the base.

All the 3 houses in Loxley Stables were built on the edge of the plot to maximise the size of the gardens and communal area at the expense of losing the ditch and possibly a hedge too. In order to get planning permission DBC planning authority specified that the houses had to be raised 0.7 of a metre to prevent the houses flooding. Of course this does mean that the original houses in the area remain in danger of flooding.

I appreciate there have been no changes to the planned reversing area for the school bus but what has changed in 14 months since this planning permission was first lodged is the amount of traffic in the village and particularly the number of cars that drop off and pick up children from the school. The addition of a pre-school in September 2023 and a continued restriction by the head when children can be dropped off (I believe it to be a 7 minute window) means that parents now park in Astrope Lane from the crossroads as far as Loxley Stables and indeed along Station Road waiting for the 7 minute slot. This means that the potential for an accident has increased hugely with cars parked the pedestrians have to walk on roads with no footpath. I have written to our councillors and HCC regarding this problem. Quite frankly the problem is not the school bus but the number of cars that all converge on the village morning and afternoon. These same developers promised a turning circle for traffic dropping off at the school when they applied for planning permission for the 3 houses, Loxley Stables in 2015 and quite possibly received permission because of that promise. A turning circle on the site of the proposed development would be the answer to many of traffic problems that we face in Long Marston.

Finally, I despair that Dacorum Borough Council planning department even consider further development of vulnerable sites in the Long Marston area. Little Copse in Astrope Lane has caused huge problems with the local drainage and today as I write in September the footpath along the side of Little Copse is again flooded and impassable except with Wellington boots despite efforts to build it higher! The 5 houses remain unsold. The ditches around the site are full and the water is following across the road notwithstanding efforts to divert it towards the Gudgeon Stream. Water flows downhill! Climate change is real. We certainly have more heavy rain and it would appear more rain in the whole country. Surely now is not the time to take the risk of building houses in low lying and flood prone areas.

March 2024

I confirm my objections already submitted. I wish to particularly point out how crucial the future maintenance is of the turning area for the coach, the Swales and Suds and the communal area and paths. Whilst I appreciate this may well be devolved to a management company there seems to me there is no way of enforcing such maintenance in the future.

I also question the practicality of walking approximately 30 children just under 100 metres to and from the school bus in all weathers. They

would have to be supported by a group of school staff and a secure entrance into the school would have to be provided. As far as I can see there has been no consent obtained from either the Education Authority or from the Diocese of St Albans which owns the land.

It would also encourage others to park in Astrope Lane which is already a nightmare at any time of day as there is continued misunderstandings of whose right of way it is at the staggered crossroads and cars park along Astrope Lane, Tring Road and Station Road, while Cheddington Lane is very narrow making visibility at the junction extremely tricky. In fact I did understand that the design of these crossroads was being looked at by HCC but nothing seems to have happened!

I have to say if the local education authority wishes to make access to the school easier and safer many of us in the village have observed that there is space in the school grounds

December 2023

I have now obtained the pre-application advice from Hertfordshire County Council referred to in the LLFA's submissions on this planning application. It was given in response to the previous application. I attach a copy as you had indicated that you had not seen this. This confirms my concerns expressed in my submission that the discharge of groundwater into the Astrope Lane ditch is unacceptable. The advice states as follows:

"Connection into the ditch on Astrope Lane would only be permissible if the applicant sought to undertake significant remedial and maintenance works to the ditch along Astrope Lane; from the point of discharge at the site, to where it connects to Wilstone Brook. The applicant would also need to obtain all necessary permissions for any crossing of third-party land, permissions are needed from the relevant owner; this is also potentially the Highway Authority as the ditch runs parallel to the road."

This is dealt with in paragraph 6.4 of the Flood Risk Assessment, which indicates that option 2 (that recommended by the LLFA) is "not viable", and instead option 1 is proposed which involves discharge into the Astrope Lane ditch with no remedial measures either alongside the proposed site or downstream.

As I write this email the water level in that ditch is at road level and in parts flooding onto Astrope Lane.

The HCC letter also highlights the flood risk to Marston Court, as well as the lack of capacity for foul water at the pumping station.

It is crucial that you and the members of the Planning Committee are aware of this pre-application advice as its contents are not clear from the LLFA's submissions.

In the interests of transparency could I please ask you to upload these further comments and also upload the attached letter to the

documents section?

September 2023

BACKGROUND

I purchased 3 Loxley Stables in August 2019 in the knowledge that it was intended to seek planning permission to develop this site and my initial stance was to support the application. My property is specified on the planning portal as a "property associated" with the application. I wish to make it clear that I have no connection with the application apart from being the joint owner of a neighbouring property.

Since living in Long Marston I have appreciated the very real flooding and drainage issues. Upon reflection, therefore, I oppose this application upon the basis that the proposals for the drainage of both surface water run-off and foul water sewerage are inadequate, unrealistic and unsustainable, and in any event the site is wholly unsuitable for development and any development would be contrary to section 14 of The National Planning Policy Framework (NPPF) published on 5th September 2023.

As is well known by the planning authority the village of Long Marston has a fragile drainage infrastructure and is susceptible to flooding.

SURFACE WATER RUN-OFF

The proposal for surface water run-off is into the ditch alongside Astrope Lane (option 1 in the flood risk report), as piping along the ditch (option 2) is said to be "not viable" (which I assume means too expensive and would require the consent of a number of landowners). That ditch already overflows in periods of even moderate rainfall, which is particularly treacherous in freezing conditions when black ice is formed on the road. It is blocked downstream by tree roots and undergrowth and has been poorly maintained by riparian landowners for many years. The developers have no control over the maintenance of the ditch to ensure a free flow of water, as is conceded by the consultants in paragraph 7.5. The assessment by the consultants was carried out in three exceptionally dry months, and even then the flood risk is said to be as high as "moderate" (see paragraph 5.2.1 and conclusion 4 in paragraph 10). The overflow from this ditch also backs up over the field to the southwest of the site (known locally as the Braid) which in periods of rainfall has reached as far as the properties at Loxley Stables, yet further evidence of the inadequate flow of the ditch along Astrope Lane. My driveway to Loxley Stables which is alongside the development site becomes flooded in even moderate rainfall. These problems already exist and the additional run off from the necessary hardstanding for 9 properties (even with mitigation measures) would be catastrophic. In any event the proposed mitigation measures are wholly inadequate. The consultants emphasise the importance of maintenance of the communal areas to include the proposed swale and detention basins - see paragraph 8 of the Flood Risk Assessment which states "the successful implementation and operation of a SuDS system depends upon a robust and clear maintenance strategy being implemented". This is

also emphasised in paragraph 169 of the NPPF 2023. Despite the importance of this being highlighted in the report there is no detail of how this will be achieved. Will the developers retain ownership and take responsibility?

What happens if the company owning the land (Lox Farm Limited) is liquidated after the completion of the development? If the communal area is to be transferred to a management company how will decisions be made or obligations to maintain enforced? The experience from Loxley Stables (the previous development by the same developers) is that there is no maintenance system or legal responsibility for the retention basins or the maintenance of the communal areas generally, reliance being placed upon the cooperation of the three house owners with voluntary maintenance contributions. The consultants have done no more than to state the obvious that maintenance is essential, without any detail of how in practice this will be achieved.

The cost if shared amongst homeowners could be prohibitively expensive and would be an obvious source of conflict. I would have expected to see in the application much more detail of how there will be a "robust and clear maintenance strategy", and how such a strategy will be enforced and financed. I have no confidence that the communal areas will be properly maintained.

This alone negates the proposed mitigation measures and renders them unworkable. The consultants have done no more than to give lip service to the requirements of paragraph 169 of the NPPF.

FOUL WATER SEWERAGE

This is also dealt with in the Flood Risk Assessment Report. The proposal is to accept option 3 which is "connection to the existing foul water manhole in the adjacent site (Loxley Stables)". A sweeping statement is made at paragraph 9.1.3 that "the pipe has sufficient capacity for the additional flows". Where is the evidence to support this? This is another example of the superficial treatment by the consultants on crucial issues. It is said that any new sewer would comply with adoptable standards and Building Regulations Part H (see paragraph 9.1.3), but the same is not said about the existing private sewer at Loxley Stables so the assumption must be that it does not comply. Indeed when that private sewer was constructed it was only ever intended for the three properties at Loxley Stables because the intention was that the adjoining site (now the subject of this planning application) would be used to provide access to and facilities for the neighbouring Long Marston Primary School and not for further residential properties. This was said to be "a key part of the site strategy" (see paragraphs 3.0 and 9.2 of the Design and Access Statement for application reference 4/02678/15/FUL). It is well known that the sewerage pumping station is inadequate for present usage, especially when combined with surface water drainage and the applicants have provided no information about its capacity and have made no enquiries with Thames Water, reliance being placed on what they were told by Thames Water some years ago for the purposes of a previous application. I am a joint owner of the private sewer at Loxley Stables as well as of the land over which it runs so my consent

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| | <p>would be required to grant any easement necessary for option 3. I have not been consulted or approached for my consent, and it is most unlikely that it will be forthcoming. Accordingly, the planning authority must consider this application upon the basis that one of the other options other than option 3 will have to be adopted for foul water sewerage.</p> <p>NPPF 2023 Hitherto my objections have been a critique of the drainage proposals - both surface water run-off and foul water sewerage.</p> <p>However, my fundamental objection is that this site is wholly unsuitable for any development, regardless of any proposed mitigation measures.</p> <p>Paragraph 159 of NPPF 2023 provides "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)." Paragraph 162 goes on to state "Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding"</p> <p>There are many other reasonably available sites even within the area of Tring Rural Parish Council with a lower risk of flooding where planning approval has either been granted or is being sought. These include the 9 new properties adjoining All Saints Church, Long Marston (reference 19/02880/FUL), the substantial development by Rectory Homes in Wilstone (references 20/01754/MFA and 23/00414/MFA) and the proposals by H2O on behalf of the Canals and Rivers Trust, still at the pre- application stage, as well as many others in and around Tring. This being so the criteria in the NPPF for exceptions to the policy in paragraph 162 quoted above do not arise so this application should be refused without the need to even consider the Flood Risk Assessment Report.</p> <p>CONCLUSION</p> <p>First and foremost the site is unsuitable and in clear contravention of the NPPF 2023. Although the NPPF is supposed to inform local development plans, in the absence of such plans the NPPF must be considered directly. In any event the Flood Risk Assessment Report deals with the drainage issues in a superficial manner and fails to address the problems in accordance with the clear criteria set out on section 14 of the NPPF 2023</p> |
| Natterers Barn, Chapel Lane | <p>Long Marston has a history of flooding and this application to build 9 houses will not help the situation. The fire brigade were called out in 2012, 2019 and 2020 to pump water from the neighbourhood into the field adjacent to my property Natterers Barn, Chapel Lane. The most serious flooding was in 2020 when water almost reached the front door on the courtyard side of the building and the garden was seriously flooded due the swollen water levels in my ditch and neighbouring pond.</p> <p>The water run-off from this proposed development is due to come into</p> |

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| | <p>a ditch (which appears to be on my property Natterers Barn) to go into the pond. I pay to keep this ditch clear of vegetation and the recent heavy rain of 22nd September 2024 has caused the level of the water on the pond to rise to a point where it flows into my ditch.</p> <p>I object to this application</p> |
| <p>Starnash Barn, Chapel Lane</p> | <p>As a homeowner on Chapel Lane that suffered significant flooding in October 2020 due to the Tring Bourne overflowing, a Thames Water pumping station that was overwhelmed and blocked (and non-existent) road drains, that led to a large insurance claim and 16 months out of our property, we have extreme concerns over the proposed scheme.</p> <p>The flood mitigation plan appears to be to move the water created by the surface water flood risk of the 9 new properties by pushing the water down to meet the Tring Bourne at the bottom end of Chapel Lane.</p> <p>The Tring Bourne at this point and Chapel Lane in general, cannot cope with the current water levels, as witnessed by the flooding of Chapel Lane in October 2020 and January 2021 and countless times prior, let alone that which will be caused by 9 additional properties.</p> <p>There is no additional capacity to carry that water.</p> <p>Further, the plan to route the run off from the 9 new houses, down the field ditch and join up with the Tring Bourne at the Cow Lick/Pond at the corner of Chapel Lane & the field known as 'The Braid' has the potential to cause the existing route of the Tring Bourne through the village and down Chapel Lane to back up and worsen existing problems in those areas; it is already a point of restricted flow, but the proposal is asking to essentially flow a 'quart into a pint pot'.</p> <p>This will be compounded by the fact that there appears to be no consideration given to the fact that the Canal & Rivers trust already use the local water courses in the region of Astrope Lane & Watery Lane as emergency relief to discharge excess water from their network of reservoirs and which causes the surrounding area to flood. This is in effect down stream of Chapel Lane and therefore further restricts the 'escape route' of water from the proposed development.</p> <p>As far as stated on the planning application, there is no legal or enforceable ongoing maintenance requirements on either the developer or the new property owners of either the ditch or the river course to ensure that the route maintains sufficient capacity and is clear. Significant sums of money were raised by both residents and funding by Parish and County Council grants to clear the Tring Bourne, but there is no statutory obligation on either body to do so in the future.</p> <p>Additionally, there are numerous factual errors in the flood mitigation report accompanying the Planning Application, with the naming and flow of the various watercourses and how they network or connect, which must surely call into question the validity of the flood mitigation plan. There is also no consideration to the topological levels to ensure</p> |

there is actually sufficient fall to ensure flow. Further, there does not appear to be any mention of any report by any responsible body as to whether there is capacity in the existing water courses. For instance, the Tring Bourne is classified as a major river by The Environment Agency and as stated above, the Canal and Rivers authority already discharge into the local water assets, but despite this no official guidance appears to come from any of these bodies or the Local Lead Flood Authority.

In a similar vein, the Thames Water pumping station in Chapel Lane has failed on numerous occasions due to the ingress of water from both the Tring Bourne and road run off, at which point it becomes overwhelmed, surcharges and then floods Chapel Lane and the surrounding properties.

Of note is the fact that there are no road drains to deal with any surface water in Chapel Lane. I further draw your attention to the fact that the flooding in 2020 necessitated an extended presence by the Fire Brigade and their High-Volume Pump (HVP); without which numerous other properties would also have flooded. I believe there is only one such asset in the local area and Long Marston being a rural and low-density population is only allocated this asset if surrounding towns are flood free; there is no future guarantee that in time of flood this asset will be available. I believe this HVP pumps at a rate of 5,000 litres per minute and was used continually for several days, such was the extent of the flooding; the water being discharged into the Braid flood plain and the Tring Bourne; once again bringing into question the ability of the local water courses to deal with any additional run off.

I believe that the Fire Brigade wrote to Herts County Council after the 2020 flooding because they felt the flooding issues in the village required substantial infrastructure projects to address the issue and they could make no guarantee of their ability to provide aid in future floods. Adding further properties to an existing issue does not seem in any way sensible.

It is also worth mentioning that field known as 'The Braid' in the immediate vicinity of the proposed development is the flood plain for the village; it absorbs both excess from the river network, road run off, rain and is the place the Fire Brigade discharge flood water from Chapel and Astrope Lanes.

Building this development on the land behind Loxley Stables/Marston Court, will prevent run off from the village, potentially causing additional flood risk for these properties and the school and force water towards the village centre and away from the Braid Flood plain.

In summary, putting forward a proposal to increase water flow into the Tring Bourne would put the homeowners in Chapel Lane and Marston Court at further risk. This has already been acknowledged by Dacorum Council, Herts County Council, The Environment Agency and the Fire Brigade and this must beg the question of who will be liable for any future flooding should this development be granted?

With other developments already completed or in progress in Long

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| | <p>Marston and Wilstone it is hard to see the demand or requirement for more houses in the village. The development on Astrope Lane/corner of Watery Lane has already had numerous flooding issues and no satisfactory fix to prevent reoccurrence.</p> <p>Long Marston has suffered a number of flood incidents in the last 15 years and the forecasted climate change is potentially going to lead to a wetter climate, further increasing the risk of flooding. Adding further discharge into the Tring Bourne is not a long-term solution and creates a greater risk for homeowners who have already suffered flooding.</p> <p>We wish to register our objections to this proposed scheme in the strongest terms.</p> |
| 1 Marston Court | <p>Further to my previous comments on this development 23/01998/FUL herewith my response to the Flood Risk Addendum submitted to Dacorum Council on 18.09.24 Although villagers are bound be delighted at the prospect of ditches along Astrope Lane and the Braid being cleared, the capacity of these ditches is not designed to take surface water from a 9 home development. With increasingly unpredictable weather conditions plus having to cope with the overflow from the reservoirs, flooding in these ditches and in the fields either side of them, has increased enormously. It is hoped that if/when these ditches are dredged and cleared, as they certainly need to be, they will at least be able to cope with existing surface water to keep the road and fields clear but there is no guarantee even of this and no evidence to support the assertion made in the Flood Risk Addendum, that they would be able to cope with the additional flow of surface water from this proposed development.</p> <p>In addition, ignoring the recommendations of the Lead Local Flood Authority, instead of taking surface water away from village homes, these revised plans are directing water towards Loxley Stables, the row of houses further down Astrope Lane and homes in Chapel Lane, putting all these at risk of flooding. Furthermore, due to a lack of rigour and understanding of the lie of the land, they appear to be suggesting that water will flow uphill and have confused the Gudgeon Stream/Ashen Brook, which has very limited capacity with the Tring Bourne, which they label a ditch, when it is in fact a river, making the false assumption that the two are connected, which they most certainly are not, thus rendering their entire scheme, as far as flood mitigation is concerned, as useless and potentially hazardous.</p> <p>The assumption that clearing these ditches and the odd blocked culvert would be sufficient flood mitigation to protect the village, is deeply flawed. Apart from anything else, the clearing of ditches would need to be done on a regular basis at some considerable expense, which is exactly why Highways and the current landowners have refused to do it for so long. The clearing of the Tring Bourne alone in 2022, cost in the region of £20,000 and was partly funded by residents and partly by the Parish Council. This will soon need to be done again, as would eventually be the case with all the ditches the Developers want to use for their flood mitigation.</p> |

In order to guarantee the safety of the village and existing homes from the excess water this proposed new development will generate, the cost of clearing and maintaining these ditches going forward, would have to be guaranteed and could run into the hundreds of thousands. Without regular dredging and clearing, conditions would soon deteriorate and the village end up in an even worse state than it currently is, due to the additional surface water from the proposed development, which would inevitably put homes at risk of flooding. As we know to our cost in Long Marston, homeowners and land owners cannot be relied upon to clear ditches. Consequently, without effective long term solutions, the proposals in the Flood Risk Mitigation Addendum are not fit for purpose and will not mitigate flood risk in the village effectively.

The loss of the field as a valuable soakaway as recommended by the Environment Agency in 2015, would also have an impact and because the land slopes down towards the village and the new homes would be raised up and flood proofed, existing homes in Marston Court, Astrope Lane and Station Road would be vulnerable to the run off from their roofs etc. during severe storms, putting these homes at risk. In addition, the culvert running beneath the Marston Court service road, connecting the Astrope ditch by the crossroads to the ditch further down, is likely to be cut off by the hard standing for the school bus reversing space, which is sited close to the Marston Court exit and ditch, a further flood risk for residents

March 2024

Having reviewed the revised plans for the School Bus Layby, which will now be an off-road turning circle or reversing space, I would like to raise the following objections to be added to my existing objection of 22.09.23.

1. I would submit that in diverting the school bus to Astrope Lane you are simply swapping one dangerous location for another, with additional security problems for children and teachers with regard to direct access to the school. Astrope Lane is used as a rat run. In a recent survey conducted by Highways in nearby Puttenham further down Astrope Lane, 2000 cars a day were measured coming either to or from the Long Marston crossroads. At rush hour, which is when the bus would be attempting to enter and exit the so called turning circle, the road is choc a block with cars waiting at the crossroads and trying to pass one another and navigate the parked cars of residents and parents.

2. Rush hour is when the school bus would be attempting to pull on and off Astrope Lane, yet J Bartlett Consulting undertook their survey of the site for the turning circle on Astrope Lane, between 11.30 and 12.15 on 19th January. How can they possibly make a balanced judgement if they have not inspected the road at the time the bus will be using it i.e. rush hour, when conditions are totally different. At the time of their inspection traffic would be relatively light. No residents would be trying to exit Marston Court for work or school, no parents would be parked in Astrope Lane at this time. The morning rush of traffic which blocks the road, would be entirely absent, which renders

their survey utterly pointless from a road safety point of view.

3. Parents dropping children at the school regularly park down Astrope Lane, mud and tire tracks are clearly visible, some also park in Marston Court without permission, and would no doubt use this new area when they can. As well as parents' cars, there are the cars of residents parked outside their houses. Astrope Lane is narrow and not designed for busses, large vans, HGVs, skips and SUVs, yet all these vehicles use it frequently and at dangerous speeds and struggle to pass one another and the parked cars safely. Lacking any pedestrian walkways, it is highly unsafe for anyone on foot, so children straying onto Astrope Lane and using this exit would be at far greater risk than on Station Road, where there are pavements, and the Parish Council is planning a safe pedestrian crossing directly in front of the school.

4. There are fourteen families living in Marston Court with children of varying ages. They should be entitled to enter and exit their private service road safely with an unimpeded view of the road. Yet the turning circle has been placed quite deliberately on top of Marston Court, to maximise its convenience for the developers and the bus, with no consideration for the residents of Marston Court. It is so close, cutting off the corner of the Marston Court exit; it will be hard for the bus to avoid using this private service road as it enters and exits and will impede the view for residents of Marston Court trying to exit in the morning.

5. Marston Court is in a conservation area, siting the so called turning circle right on top of Marston Court compromises this. It will necessitate the removal of the hedgerow and threaten the safety of the two Black Poplar trees adjoining Marston Court. These trees, have been independently inspected, pollarded and declared safe by a tree expert who specialises in Highways and has worked for Dacorum Council. Removing the trees, the hedgerow and the ditch, would severely impact on the environment both for wildlife, for which they are vital havens and the residents of Marston Court, because of their contribution to flood mitigation and soaking up excess water.

Black Poplars are an endangered species. These two trees are relatively young and healthy, which is rare. They should be preserved but squeezing the proposed turning circle into this narrow space in order to prioritize their housing plans, now threatens their existence.

6. Filling in the ditch which runs alongside the field would also have dangerous consequences for Marston Court and Astrope Lane. The ditch connects to a culvert beneath the service road, which connects to the ditch running alongside Marston Court, allowing excess water to drain away.

7. The developers claim that a management company will service the turning circle and the pathway to the school. Who would run this management company and more to the point, will residents want to fund this aspect of it, if they don't have children at the school?

8. Similarly, with the ditch in Astrope Lane that the developer intends using for flood mitigation from the development site. This ditch leads

nowhere, it has no culverts or connections to enable excess water to safely flow away from the village. As can be seen now, it regularly overflows into Astrope Lane at both ends. Currently, the drain situated outside the Chapel in Astrope Lane, unable to cope with the flow of water from the ditch, is continuously overflowing towards Marston Court and the village. At its far end, the footpath is almost impassable due to overflowing water.

Even if this ditch were to be dredged, there is no guarantee it would have sufficient capacity and it would require regular dredging to make it safe for flood mitigation going forward. As we know from the cost of dredging the Tring Bourne, such work is expensive and needs to be done regularly.

The Tring Bourne cost over £10,000 and residents paid half of this. But it will need to be done again and who is going to pay next time? The same problem will apply to the Astrope ditch. Who will organise and pay for dredging and maintenance going forward?

9. Likewise, the proposed Swale running parallel to Marston Court, which would feed into the Astrope ditch and supposedly protect Marston Court from the runoff from the nine new builds, who will maintain this? Deprived of the field as a valuable soakaway, plus the loss of the ditch, trees and hedgerows and with the ground sloping down towards Marston Court, these fourteen homes will be utterly vulnerable to run off during storm events from the nine raised up, flood proofed new houses, as will be the homes in Station Road, directly behind Marston Court.

10. It says in the Rappor report that HCC will pay for necessary maintenance works to the road, but will it pay for dredging the ditch, or should it be the Landowner if responsibility can be proved to be theirs, or the new management company set up by the developers? And if so, will it be funded by residents of the proposed new homes? Homes which will be flood proofed, so why should they pay for a ditch that is not part of their actual estate? And who will run this management company? The developers who set it up will inevitably move on to their next project and may not even be living in or near the village for much longer. It is easy to set up a management company, but it requires more than goodwill and promises. Who will pay for it, manage it and enforce necessary works and payments for the same in the long term? Such arrangements are notoriously difficult to maintain and sustain with private housing, especially when houses change hands and people who set up the schemes are no longer around to enforce them. Going forward, they cannot be relied upon.

11. Siting the turning circle so close to the busy crossroads and on top of Marston Court will only add to existing traffic congestion and difficulties for residents of Marston Court and Astrope Lane. For the children and drivers of the bus, due to the crush of rush hour traffic or its speed in the afternoons, it will not be safer than Station Road. If anything, it will be far more dangerous. Just out of sight and out of mind, allowing the comfortable illusion that it must be better. Children will also have to be escorted along the pathway to the school, an additional burden on teachers, and there is the added danger they

might stray onto Astrope Lane.

12. A turning circle for the school bus has been used as a sweetener/carrot to encourage villagers to support development on this greenfield site ever since Mr Mills first sold the land. However, abandoning their original plans to site a turning circle alongside the existing Loxley Road access and not choosing to make room for it in the current new development scheme for nine houses, the developers chose instead to site a layby on Astrope Lane, quite a shocking decision from a road safety point of view. Now, it has been pointed out to them that this is too dangerous, still failing to prioritise the safety of the bus and the children, they have had to resort back to the original idea of an off-road turning circle but now propose to cram it into the smallest possible space, and rather than an actual turning circle, are proposing a tight reversing space, dangerously close to the crossroads where traffic is most congested, and right-on top of the service road belonging to Marston Court. The bus driver will have a limited view and will have to look over his shoulder.

Because of the nature of Astrope Lane, which is long and straight, when not congested, traffic zooms to and from the crossroads at alarming speeds, a further danger for the bus driver when attempting to exit.

13. With maximum impact on Astrope Lane and Marston Court and minimal care for the environment and the safety of the school bus and its passengers, the main advantage of this new plan appears to be to minimise any expense and impact on the developers' housing plans and to pay lip service to road safety requirements, in order to get planning permission for their nine houses.

14. We have no shortage of housing in the area. There are many new builds already putting pressure on our struggling infrastructure with houses standing empty, so this development is not necessary and contains no social housing to benefit the local community. The uncertainty created by global warming is exacerbating the danger of flooding with an increase in storms and heavy rainfall. Overflowing ditches and large amounts of surface water are proof of this. Flooding is a serious issue for Long Marston and cannot be ignored. It has a detrimental affect on the quality of life and house prices. It is in no-ones interest to make matters worse by upsetting the fragile balance that has been achieved by dredging the Tring Bourne. This development could threaten this. The field currently acts as a valuable soakaway between the flood plain and the village.

Building on it is a risk. This development is altogether too full of risks, uncertainties and unresolvable issues. Surely, a safer site could be found for this development as recommended in the Revised National Planning Policy: "unnecessary development should be avoided in areas at risk of flooding by directing it away from areas at highest risk (whether existing or future)".

Somewhere not on the edge of a floodplain and conservation area, somewhere risk free that will not threaten the environment and the peace of mind and safety of existing homes and villagers.

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| | <p>15. This last-minute amendment of the plans for the school bus, is neither safe nor well thought out and should not be used to justify a risky development</p> <p><u>December 2023</u></p> <p>This is a copy of an email I sent on 11th December. I have asked the case officer to upload the photographs onto the planning portal. The photos show the ditch in Astrope Lane already full and overflowing opposite Marston Court. I also attach some photos to show the everyday traffic congestion in Astrope Lane which is appalling at times of rush hour as the lane has become a rat-run. This photos illustrate how utterly useless the proposed flood mitigation measures are in the area.</p> <p>These pictures were taken on 5th of December. Conditions have been quite normal for the time of year, a certain amount of rain but no storms or extreme weather lately but as you can see, the ditch is already full and overflowing into Astrope Lane. This happens every year and is doubly dangerous when the water freezes on the road.</p> <p>Parents of children at the school park all down Astrope Lane in the mornings and afternoons – see attached photos, so children have to navigate this and the congested morning traffic, as do the residents of Marston Court.</p> <p>What is doubly worrying, is that this is the ditch that the flood mitigating swale, which is supposed to protect the homes of the fourteen families who live in Marston Court and the rest of the village, is going to feed into. A ditch that is already full to overflowing even before we have conditions that could induce flooding. A ditch that is not fit for purpose, just as the flood mitigation measures for this development are not fit for purpose and have no basis in reality.</p> <p>I also attach two photos showing the morning traffic congestion in Astrope Lane alongside Marston Court, which speak for themselves.</p> <p>In addition to the above I would like to suggest that should this unsafe development be granted planning permission a scheme should be set up by those responsible i.e. Dacorum Council, to compensate homeowners whose houses are put at increased risk of flooding. No development happens in isolation. This development will add to the cumulative effect of ALL the recent developments in and around the village, putting further pressure on our outdated drainage and sewage systems which already struggle to cope, increasing the likelihood that vulnerable homes will flood. Especially the 14 houses in Marston Court, the Queens head and houses in Station Road, as this is where the ditch will overflow.</p> |
| 3 Marston Court | <p>I object to this planning application for the following reasons:</p> <p>1. The surface water runoff plan will likely increase the risk of flooding within the village (and specifically Marston Court). Section 13.1 of the DAS states that the runoff from the site will be a maximum of 2.1l/s</p> |

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| | <p>and says that this value is less than the current water runoff rate for any given year. This water will be collected and discharged into the ditch running alongside Astrope Lane.</p> <p>These values are taken from the Flood Risk Assessment (Section 6.2 and Annex C). However, Section 6.4 of the same report notes that currently surface water runs off in 4 directions. If it is assumed that 25% of the runoff is currently into the Astrope Lane ditch, then the 1-in-100 year event runoff into the ditch is 1.99l/s. This means the proposed surface water runoff into the Astrope Lane ditch is actually 6% greater than the current 1-in-100 year runoff figure.</p> <p>This, therefore will increase the risk of the Astrope Lane ditch overflowing, allowing the water to flood into lower lying areas of the village (e.g. Marston Court).</p> <p>It should be noted that the Flood Risk Assessment proposed alternative drainage schemes that would direct surface water runoff either below the level of the village or away from the village. If these schemes were adopted, the flooding risk to the village might actually be reduced.</p> <p>2. The Flood Risk Assessment found ground water close to the surface, yet the site drainage plan includes a detention basin that will protrude below the level of groundwater found. This could mean that the drainage system proposed for surface water runoff will also have to manage groundwater drainage as well. Since it is likely that runoff and high ground water levels will occur together, this further increases the risk of flooding to the village.</p> <p>3. The proposal to site a school bus stop at the entrance to Marston Court will actually make traffic conditions down Astrope Lane worse. The planning application has stated that the existing mature poplar trees at the entrance to Marston Court will remain. The school bus stop is sited between the trees and the road. A 2.43m wide school bus will not be able to park there without impeding on the carriageway. Coupled with cars regularly parked on the road, this will cause additional congestion.</p> <p>Additionally, siting the bus stop there will decrease visibility of vehicles exiting Marston Court when a bus is present, thus increasing the risk of an accident occurring</p> |
| 4 Marston Court | <p>The car park serving the 14 houses of Marston Court has flooded several times in recent years.</p> <p>I worry that building in the adjacent field will exasperate the problem if suitable provision for the rainwater drainage is not provided.</p> <p>The rainwater drainage report (page 15) suggests a number different solutions (drainage runs) and concludes that the best (cheapest) solution is to do nothing but to allow the rainwater run-off and to continue to use the ditch running alongside Astrope Lane.</p> <p>This ditch runs downhill towards the village where it meets Station</p> |

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| | <p>Road carrying the water through the village before turning left and down Chapel Lane (another area prone to flooding).</p> <p>The development will reduce natural evaporation and therefore will raise the level of the water table.</p> <p>The Marston Court car park is below the level of the field and when the water table rises acts like a ditch.</p> <p>I would suggest an independent survey is carried out to establish what existing rainwater provision exists for Marston Court and to find a solution that takes the rainwater from the new development away from the village rather than compounding the problem</p> |
| 8 Marston Court | <p>I am OBJECTING to the proposed development on the following grounds:-</p> <p>1. Flooding/Sewerage</p> <p>I have lived in Long Marston for 23 years and have witnessed numerous flooding events in Marston Court and all around the village. I have seen first-hand the devastation it has caused to local homes and families. My family have had 2 vehicles written off due to previous flooding at our property. We have had our garden underwater and flood water lapping at our back door. The village has always flooded historically and this has become more frequent over the past 10 years or so, resulting in Thames Water, the Environment Agency and fire and rescue services being called to pump out the water on several occasions following prolonged heavy rain when the ground is at saturation point. The most recent flooding event was on 14th January 2021, which again resulted in Fire & Rescue services, tankers, Environment Agency and HCC in attendance to the village. The local MP, Gagan Mohindra has also been involved and has spoken on Long Marston's behalf in Parliament regarding the flooding issues within the village.</p> <p>In 2015 the Environment Agency recommended the land of the proposed development should be retained to minimize surface water run off rates and provide improvement to the flood risk. The land the developers are planning to build on is a natural soak away. If this development goes ahead, removing a large part of the soak away and the extra run off from the 9 new dwellings and the construction of the pathway to the school will put Marston Court at an increased risk of flooding. The proposed SuDS systems will protect the new dwellings but not Marston Court (as it is at a lower level) and the proposed swale will not be enough to protect us from further flooding. It seems the new homeowners will be responsible for maintaining the SuDS systems and swale. How will this be enforced? Will there be some sort of legally binding condition in the sale that the purchasers will have to agree to?</p> <p>The Flood Risk Assessment states that 25% of surface water will run off into the Astrope Lane ditch. This ditch has not been maintained by anyone since the developers built their previous development, Loxley Stables in 2018. In fact, it appears the developers concreted over the drainage ditch (leaving a much reduced area for the water to flow) to</p> |

create the driveway for Loxley Stables. Will they do the same when they create the bus stop, thus causing more flooding issues? Astrope Lane floods in the area where they are planning to locate the school bus stop due to overflow from the ditch in times of prolonged heavy rain. This will be absolutely treacherous for road users and pedestrians using Astrope Lane, especially in the winter months when it freezes, creating a higher risk of accidents at the already heavily congested crossroads.

At times of flooding, many properties in the village (including Marston Court) have had sewerage back up and residents have been unable to flush their toilets or use their washing machines. The village sewerage system is outdated and at breaking point and the addition of 9 new dwellings will make this even more catastrophic for those residents already suffering this problem.

No more properties should be built in Long Marston until new infrastructure is put in place to support it.

2. The School Bus Stop

The developers are proposing to put the school bus stop on Astrope Lane to ease congestion in the village at school drop off/pick up times. The bus currently drops off/picks up in Station Road, directly outside the school with a lollipop crossing to help the children cross the road safely.

Astrope Lane is narrower, with parked cars lining it at peak times. It is further from the school and closer to the congested crossroads, where there are frequent traffic accidents. Large HGV lorries regularly cause the traffic to come to a standstill at the crossroads at peak times whilst trying to turn into Cheddington Lane, and often have to back up into Astrope Lane. That, combined with a school bus and rush hour traffic would cause utter chaos.

In a recent survey around 130 vehicles were counted on Station Road at school drop off/pick up times. A survey in 2018 showed 291 vehicles at the same times of day in Astrope Lane, which has only got busier, with cars frequently speeding along there. The proposed bus stop will be situated on a blind bend within close proximity of 3 other entrances. Children walk up and down Astrope Lane to school and back, and they have to walk in the road as there are no pathways. To site the school bus stop there will be a disaster waiting to happen.

When the bus is in situ at the bus stop, it will obscure the view of the blind bend for the 14 families in Marston Court, the 3 families in Loxley Stables and the residents of the new development leaving for work and school, as well as the speeding traffic, potentially causing an accident. Who will maintain the bus stop and pathway leading to school? The school will likely not have the budget to do it and it is not their land. Regular maintenance is a must for the safety of the children who will be using this pathway. Who will be responsible for the insurance required for the bus children using this pathway?

We do not need any extra 3 or 4 bedroom homes in the village. These

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| | <p>homes will not be affordable. My daughter, who has grown up in Long Marston has recently had to move out of the village as there is a lack of affordable housing in the local area.</p> <p>In conclusion, I believe that the proposed development will bring more serious problems than benefits to the village and should not be approved</p> |
| 9 Marston Court | <p>I would like to object to this revised application on the following grounds.</p> <ol style="list-style-type: none"> 1. The danger of increased flooding. The waste water and sewage system cannot cope with the existing number of residents especially since the completion of the latest developments in the village even though there are some that still haven't sold yet! Also at times of persistent or heavy rain such as we have seen recently which has caused unmaintained ditches to overflow and flood Astrope Lane. These are ditches that the proposal has indicated would be used to take any excess from the proposed site. The effective removal of the poplars and hedgerow would be a disaster both for wildlife and for flooding. There is a reason why so many poplars were planted around this low lying area. They are very thirsty and draw thousands of gallons from the ground. Their effective removal would cause the field and the rear of Marston Court to flood even more than it usually does. The local wildlife would also be badly affected. I have seen more than 100 rooks roosting in those two trees. They are the only large trees in this part of the village and thus, are very precious to us. The loss of the hedgerow would also affect animal and insect life adversely and add to the flooding problems. The trees have been recently pollarded and pronounced healthy. 2. The proposed swale will not be adequate enough to hold the amount of water that floods from the field down into Marston Court. We have already had several cars written of and water lapping up against back doors. We are very vulnerable here. Who would be responsible for the maintenance of the swale and the bus turning point? The new residents would have enough to do coping with the maintenance of the SuDS. Also what about the maintenance of the proposed path. What would happen if it flooded, a distinct possibility and also what if it became icy or covered in snow becoming a danger to the children, who would be responsible then? 3. I notice that the road safety survey was done at 11.30. That is crazy. It should have been done at rush hour in the morning between 8.00 and 9.00am when parents park their cars in Astrope Lane and the crossroads become badly congested. Astrope Lane becomes a single lane road with parents trying to walk their children to school without a footpath and also wading through the surface water on the road. 4. Which brings me to the newly proposed bus turning area. The bus would have to turn across oncoming traffic once it had negotiated the crossroads. It would be difficult for it to pull out onto Astrope Lane as the vision to the right is limited by a bend. I presume that the footpath would be a public right of way, so it would be difficult for the driver to |

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| | <p>see pedestrians coming along the path whilst turning around. Difficulty in pulling out of there would also be exacerbated by the number of vehicles speeding towards the crossroads. A recent survey found that 2000 vehicles a day use Astrope Lane! The survey that I understand you are relying on was done in 2017/18 and is well out of date now. It's a dangerous road and it's only a matter of time before a serious accident happens. It is too close to the crossroads and would only add to the existing congestion. Also, having an entrance there would require the filling in of a valuable ditch making the road end of Marston Court even more likely to flood and would involve utilizing part of our road for which you have no permission.</p> <p>5. It would make much more sense for the bus to use the Loxley Stables access road and the existing footpath or if that is not possible then the new entrance to the proposed development. Which would be sufficiently far away from the crossroads to not add to the congestion. There would be much better visibility for the driver trying to pull out onto Astrope Lane.</p> <p>6. Finally, I would like to remind the Council that they have a duty of care to us and can assure us that there would be no extra water run-off from the site. ANY extra would cause houses in Marston Court and Astrope Lane and the main road to flood. So I trust that should any properties flood as a result of this proposal going ahead, then they will be responsible for the expense of repairs etc to the affected properties</p> |
| 13 Marston Court | <p>As a resident of Marston Court I would be very worried about the effect of flooding on our land. Even without houses on the present field our parking area is often flooded in winter months.</p> <p>Despite the speed limit, Astrope Lane is a hazardous road as many people drive too fast. It is dangerous to pull out onto and with additional parking caused by parents using the new footpath will be made more so.</p> <p><u>March 2024</u></p> <p>In my view the turning facilities for the school bus most unsuitable.</p> <p>Firstly it means another entrance onto an already busy and (despite the 30mph limit) fast road. According to the plan land seems to be taken from the end of Marston Court, which is private and belongs to the householders. Ditches, hedges and possibly trees will have to be removed, all of which are very important for our flood defences. Every year this part of Astrope Lane is particularly wet and this will only make it worse, even affecting the parking area of Marston Court which has suffered badly in the past. We are all being encouraged to plant hedges and trees, not to remove them.</p> <p>Another point is parking for the parents of children at the school. They have already begun to park along Astrope Lane, destroying the verges and daffodils, and some park in the Marston Court private parking.</p> <p>I can only think that this development will encourage more of this and more traffic hazards in the lane</p> |

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| | <p>Long Marston has a history of flooding. Marston Court, which the proposed development adjoins, has experienced several episodes while I have lived here. Damage was considerable, with cars being written off and contents of garages destroyed. The proposed development will cause more run off and decrease soak away and consequently significantly increase the risk of future flooding events.</p> <p><u>Additional Comments</u></p> <p>In the event of flooding this will increase the danger to Marston Court. Cars in Marston Court parking area have been badly damaged in the past by flood water from the field and many of our garages have been flooded. This can only be made worse by buildings preventing the soak away of water.</p> <p>The traffic at peak times in Astrope Lane is heavy and fast despite the 30mph sign. A school bus pulling in will cause an additional hazard/ A walkway from Astrope Lane to the school may tempt parents to park on Astrope Lane which would add to the danger.</p> <p><u>Original Comments</u></p> <p>Long Marston has a history of flooding and there is every reason to expect further incidents. The fact that the proposed development includes building "flood-proof" houses is in recognition of his. The land in question acts as a protection for existing houses, in particular Marston Court, but other houses in the village too. Excess rain water can soak away in this field, but new houses with their extensive hard surfaces will cause the water to run off, and given the slope of the land, inevitably into Marston Court, where houses and garages have been damaged and cars written off as a result of previous flooding.</p> <p>The proposal to provide a pull-in for the school bus will include filling in an important drainage ditch and felling important (and nationally rare) black poplar trees. These two things will also increase the risk of more flooding.</p> <p>In addition, any increase in the volume of traffic in Astrope lane will cause further disruption and represent a hazard for children going to the village school</p> |
| 14 Marston Court | <p><u>October 2024</u></p> <p>Again, all comments within previous objections still apply, this additional information does nothing to ease any concerns or worries referenced to previously. In fact, heightens them in all areas.</p> <p>Repeatedly this planning application has been given more and more time to come up with data that I believe to be inaccurate (culverts noted where there are none, water flowing in the wrong direction, incorrect names on brooks, rivers and streams) proves very little expert, local knowledge that can't be trusted or relied on, it is also in my opinion very misleading. Sadly, those opposing this application are not afforded the same amount of time to respond in detail to this</p> |

additional flawed data.

Flood risk is identified – FACT

LLFA states 'highly concerned'. 'No flow'. 'Significant remedial and maintenance works.

'Necessary permissions for crossing of third-party land'. 'Unable confirm continuity, such as via culvert'. 'Engineering works on third-party land'.

Have the culverts marked as in place on the ditch survey been confirmed as in place?

Where drainage ditches have been concreted in and over, has the planning department been provided evidence or written guarantees from third party landowners that they have been or will be unblocked. How will this be enforced?

Are drainage ditches running alongside a road not meant to take surface water, run off from the road? I don't believe they were designed to take all this additional load from house building. They are bursting and blocked due to being under so much pressure. This along with the old, poor Victorian drainage system and inadequate pumping station, Long Marston is struggling and at constant risk of flooding.

The flood mitigation plans have not been prepared by experts in this area with the essential professional knowledge required, just by applicant/architect themselves. Would also have to question if the planning department has the much-needed expertise and time to analyse and confirm the data provided to make an informed trusted decision.

There are no guarantees that these proposals will work so the flood risk to existing homes is still there.

Flood risk will be increased due to the additional surface water from another 9 homes in a flood zone with the loss of our natural soak away, hedgerows, trees and the effects of climate change.

No evidence, data provided to confirm that all third-party landowners involved are in agreement with the proposals.

No guarantees that these landowners will maintain ditches to control flow in the future, or how this will be enforced.

Can the planning department make decisions and put conditions in place that effect other landowners not just the applicant?

Sadly, struggling to understand the lengths, effort and costs given to this application by our local planning department. The proposed homes will not be of an affordable nature or in need of locally and could pose a very real risk and threat to homes already here. Many housing young families and vulnerable elderly residents.

Feels as though there is no care or consideration to them, what they have already been through due to flooding and the fear for the future. This has been ongoing for years causing a huge constant strain on many residents and their quality of life (especially those effected by flood losses and hardship in the past). Many neighbours putting their homes up for sale to get away from this continued threat and sadly the loss of another, continued stress and strain can take its toll

March 2024

All comments within my first objection still apply and these additional documents do nothing to ease any concerns or worries referenced to previously.

The data used within these documents I believe to be either out of date, inaccurate, and in some parts totally irrelevant and in my opinion misleading.

The applicant/architect is using selective data (information that suits their want and needs) from a traffic survey carried out in the village in 2017 and published in 2018, this survey is out of date and is not reflective of the current traffic conditions/issues within Long Marston. I would suggest new up to date traffic data is collected before any decision can be made on this application or any other developments locally. Traffic has dramatically increased due to our rural location (people must drive to get anywhere, no local necessary amenities) and the level of new builds built in the area, questions previous planning decisions putting our infrastructure under ridiculous stress. Our roads are at breaking point, impassable due to flood water, increased accidents, potholes, grass verges being worn away, swamped with parked cars on the highway, inadequate parking and speeding through traffic.

The Stage 1 Road Safety Audit states 'The Audit Team undertook a site visit on 19th January 2024 during the late morning between 11:30 and 12:15.' This data is really not irrelevant could even say pointless, and misleading. Data needs to be collected between the hours of 8am - 9 am and 3pm - 4pm to give an accurate and true audit of the road conditions at the time the school bus arrives and departs.

SCHOOL ACCESS STATEMENT

'Intended to relieve traffic' - drawings included are again in my opinion inaccurate, and misleading including a drawing indicating in red the busiest part of traffic in the village being outside the school. I would challenge this; living next to the school looking look out on this road every day and navigating the crossroads at the centre of the village at a similar time and I would suggest the crossroads at the centre of the village are far more congested with traffic approaching from all angles and cars parked on all approaching roads. Please can it also be noted that I have previously had to ask for the original design and access statement to be amended due to its misleading content, which it has.

I do not believe moving the bus from outside the school will improve

anything in Station Road as detailed in previous objection. Cars will still be parking on, blocking the road and lollipop will still have to continuously stop traffic to allow children to cross safely.

ADDENDUM - UPDATED SCHOOL ACCESS STRATEGY PROPOSAL:

'A new pedestrian link and nature trail is proposed connecting Astrope Lane to Long Marston Primary School'. - Where is the sense creating a new public footpath with no safe access to it. Astrope Lane has no public footpaths. It is a fast, water clogged, congested road with no parking spaces, near hectic poor visibility crossroads, 'together with a new safer school bus stop hard standing.' In an area known for flooding over essential drainage ditches, the runoff will head directly into Astrope Lane, Marston Court parking area then onto the village. The drains are totally inadequate in this area of Astrope Lane, full and overflowing, photographic evidence has been provided to the planning department and continually reported to the water authority.

The suggestion the school bus is to then reverse towards a pedestrian footpath is totally reckless. The hard standing for the bus encroaches on the entrances of Marston court and driveways of 1, 2 & 3 Astrope lane. There are already safety concerns and frustrations due to cars parking over driveways blocking access, parking on private property of Marston Court and churning up the grass verges of Astrope Lane.

Rappor letter dated 9th February 24 states 'This allows the bus to wait perpendicular to Astrope Lane and the bus driver will be able to easily see approaching vehicles on Astrope Lane.' - Photographs of this area will be sent to planning to show what a misleading statement this is.

Unless the bus driver has a rubber neck and can see round corners and hedgerows this would be very difficult. Plans state the hedgerows to be retained even though not theirs to comment on. There have been accidents here as previously advised due to parked cars on the road creating single lane traffic, speed approaching crossroad or accelerating from and this blind bend.

The RSA also notes that 'there is a risk of vehicles potentially waiting in the bus turning area. This can be effectively managed on site through signage and school staff that is envisaged will man the area.' - Marston Court car park and footpaths are private with signs, signs that are totally ignored. Signage will not stop vehicles using in this area, vehicles that will also use turning area and reverse onto a public footpath, (especially late drop offs/collections distracted and rushing) is this considered safe and acceptable? School staff won't be able to man this area, they will be back in school after bus leaves.

Rappor drawing misleading shows bus on the correct side of road before turning right across traffic into parking/turning area. Due to parked cars it will be on the wrong side of the road. Driving this route every day, I know the risk of turning left (blind) at crossroads straight onto oncoming traffic due to parked cars and still being on wrong side of road when wanting to turn into Marston Court. The approaching traffic can get very cross with you being on their side of road, they can't see you either due to blind bend and often going too fast.

The bus company notes near on accidents by school, this is also true of Astrope Lane. I nearly hit a child that ran out between parked cars on Astrope Lane. Running across from Tring Road onto Station Road towards the school at the crossroads. This area is treacherous with very poor visibility in all directions.

Moving a school bus stop for very young children near this area is reckless and not thought through.

I note the Head teacher's letter of approval, can the school confirm a risk assessment has been carried out? A chaperone is also noted. How many chaperones will be required? What is the ratio number of children to chaperones? (25-30 noted as travelling on bus in the letter from A1 Bus company). Have the parents of the children travelling on the bus (they won't be living in Long Marston or on the consultee list) been made aware of this proposal? Are they happy that their children who currently get off the bus safely directly into school, will now be expected to walk from the crossroads at Astrope Lane to school

This proposed access link for small young children also runs alongside the proposed swale, ' A swale being a shallow drainage channel with gentle side slopes in the ground where water running off a site can collect' - Is it safe for small children to walk so close to this?

The applicant/architects are using the school's/village problem with parking and traffic issues to gain support locally, many from homeowners not at risk of flooding. This is divisive and unfair against those that are. We have been here before when the same applicant/architects were gaining permission for Loxley Stables. If there was genuine care about the village and school children, they could have easily honoured what they proposed originally. An off-road turning circle and parking for parents using the current Loxley Stables access and public footpath already in place. It doesn't feel morally right that the school is being used again and associated with this planning application. If the applicant/architect or Lox Farm Ltd (landowner, please note this company is absolutely nothing to do with the owners of Loxley Farm) want to gift land to the school, the school can apply for planning permission, and this can be accessed separately at its own merit. I also believe the school has other options for the bus to be sited off road at drop off and collection, but I don't believe these are even being considered whilst all this goes on, delaying further considerations and options.

There seems to be absolutely no care about the impact this development could have on the natural landscape of the village (especially Astrope Lane) bordering the conservation area.

Hedgerows and trees lining the lane will need to be ripped out and concreted over having a major impact on the visual amenity, wildlife and essential drainage.

'The two poplar trees will be significantly reduced in size with a long-term safety and management strategy in place'

- SENSORY ECO WALL, footpath, Swale, Suds, Bus turning circle -

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| | <p>Is an awful lot to maintain. Management costs will be astronomical (I work for a management company preparing budgets for communal areas). Who will own the communal shared spaces? Who will be responsible for appointing a managing agent? Will the homeowners of the proposed homes become members of a resident owned management company? Who will provide insurance, who will enforce payments and maintenance? Is it fair on these possible new homeowners to pay for the maintenance of trees and hedgerows and drainage ditches (not within their boundary). Also, within the documents it is stated 'it is envisaged that the bus turning area would ultimately form part of the development and so be the responsibility of a management company' - So these proposed new homes will be expected to pay for and maintain a bus turning area and footpath that they have no real use of, primarily there for the school children.</p> <p>Grasscrete, the proposed material for the bus turning circle needs an awful lot of maintenance or the grass dies leaving trip hazards in the pockets, it is also very slippery when wet. There are so many issues the planning department should be considering. Yes, the most crucial areas are safety, and increased flood risk but there are so many other reasons. Why is conservation not been consulted as site borders Conservation Area. This land was previously in the curtilage of the grade II listed property Loxley Farm. Isn't development in such areas supposed to protect and enhance. As stated previously this land has been deliberately neglected.</p> <p>This proposal will forever change the landscape of Astrope Lane resulting in loss of visual amenity. Creating a feel of urban sprawl not a conservation area in the centre of the village, its goes against the natural settlement of the village.</p> <p>The noise pollution and disruption of the build, the village has already suffered so much in this area.</p> <p>Light pollution and disruption to our local wildlife along with the loss of their natural habitat.</p> <p>Then there is the question of need, is there really such a great for need for these type of homes within a village already under strain especially when they could put homes already here at risk</p> |
| <p>19-21 Station Road, Long Marston</p> | <p>This is a remarkable plan, of such magnificence that people from miles outside the parish, none of whom are friends, relatives or business associates of the developers, (except the one who actually is one of the developers), have felt compelled to come onto the Dacorum Planning Portal to voice their rapturous support.</p> <p>It is a plan which can literally make water disappear and save the village from future flood risk. Although unspecified other landowners will have to ensure that they maintain unspecified ditches and culverts to unspecified specifications, but certainly in excess of current standards, to ensure this. If these unspecified landowners fail to discharge their unspecified duties, then of course no causation of future flooding of the village in general, nor specifically of the properties in Marston Court, can be attributed to this development and</p> |

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| | <p>no liability can be accepted by the developers.</p> <p>It is a plan which, despite the estimated addition of eighteen resident cars, will single-handedly ease the morning traffic congestion in Long Marston by the provision of a layby for the school bus. Unfortunately, the developers have been unable to explain how the school bus can access said layby without driving along a road unsuitable for Passenger Service Vehicles on a route which will more than double the mileage and time taken to make the trip, or passing the bus layby in the wrong direction before performing a dangerous three-point turn at the end of Watery Lane, or the bus company purchasing a left-hand drive bus.</p> <p>In Paragraph 9.2 of Design & Access Statement of the same developer's earlier application 4/02678/15/FUL it states, "There have been two pre-applications submitted to Dacorum for the site at Loxley Farm. The first was aimed at creating an improved vehicle and pedestrian access to the school, redefining the school entrance and to develop an area for a forest school scheme to encourage outdoor learning. The second was aimed at utilising the middle part of the site for three new dwellings. The details within the response have been considered and implemented within this application. The conclusions met were generally that three dwellings on the site was an appropriate level of development but would require high attention to form, design, materiality, conservation, sustainability and ecology."</p> <p>This "site" referred to in this application included the area of land on which the developers now wish to build around £8-10million worth of additional houses. If three houses were "an appropriate level of development" for the entire site in 2015 how is a total of twelve houses "an appropriate level of development" now?</p> <p>As the Planning Officers will well know, the NPPF 2023 states that "inappropriate development in areas at highest risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)" and that "Development should not be allocated or permitted if there are reasonably available sites for the proposed development in areas with a lower risk of flooding".</p> <p>The Planning Officers will be well aware of the many existing developments currently under construction within the parish offering three- and four-bedroom properties.</p> <p>As this development would be in breach of NPPF 2023, which must inform planning decisions in the absence of a local development plan, the application should be rejected outright without reference to any further documents or reports.</p> |
| Cymric House, Station Road | <p>This scheme will present additional problems for those who live in the vicinity of the crossroads - one of the three historically flood-vulnerable, low-lying locations of the village. These problems would also then be experienced by the future occupants of this development.</p> <p><u>Original Response</u></p> <p>I write to object to the proposal and repeat the concerns expressed</p> |

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| | <p>about the previous application to develop this site.</p> <p>Our home shares the same elevated land as the village school and has not experienced flooding. We are also situated at a distance from the crossroads at the centre of the village and do not suffer the worst effects of traffic congestion. Nevertheless, we are concerned for the negative effects this development would have on the whole village, and especially those whose homes would be most at risk from flooding and a worsening traffic problem.</p> <p>Increased traffic flow is already a problem for the village and traffic jams are seriously affecting those who live close to the crossroads. We believe that the additional traffic pressures from future residents of this development alone would exacerbate these problems.</p> <p>Flooding events in Long Marston have proved that the infrastructure (highways, drainage, sewers, flood-prevention) cannot sustain existing housing in the village centre. The additional burden of any more development on land which sits centrally to the three historically low level flood vulnerable points of the village would be reckless.</p> <p>There has been severe flooding in the flood-prone parts of the village since the existing Loxley Stables development was completed by the same developers who:</p> <ul style="list-style-type: none"> - introduced that development plan as an opportunity to create alternative access to the school. - claimed that "ground conditions are good for the proposed above ground SuDs (Sustainable Urban Drainage Systems)". - advanced Nimbus Engineering report's conclusion that "by implementing this proposed development the client is actually reducing flood risk issues within the Long Marston Area." - explained previous flooding as a consequence of failure by local people to carry out basic maintenance of culverts and drainage as identified in a flooding report, before then presenting a lengthy and complex schedule of management and maintenance "required for the lifetime of the development"- a maintenance plan which would be the responsibility of the home owners. <p>I have no confidence in the proposals, and I believe it would be wrong for any development to be permitted on this site.</p> |
| <p>Rose and Crown, Station Road</p> | <p>I write in response to the Flood Risk Addendum provided by the applicant and dated on the planning portal 18 September and described as Ditch Survey and Remediation Strategy. These comments here build on my previous comments dated 13 September 2023.</p> <p>I write as chair of the Tring Rural Flooding Working Party and these comments reflect our views.</p> <p>We were pleased to see that the Flood Risk Addendum proposes additional remediation of the flood risk inherent in developing the land off Astrope Lane. However, in our view the report lacks the precision and rigour we would have expected to see. For example, it contains inaccuracies, including the mislabelling of the rivers in the area and</p> |

showing the rivers as joining to the south of the village, which they do not. And it also lacks the data to justify the proposed interventions, such as information about anticipated volumes of surface water, capacity and flow rates of the ditches, and information about land heights and consequent water flow patterns.

Consequently what is proposed falls well short of what is necessary: it is both insufficient in scope and insufficiently detailed to address the legitimate concerns that have been expressed.

We therefore remain opposed to the planning application on the grounds of that it will increase the flood risk to properties, businesses and transport infrastructure in Long Marston. We would submit the following observations:

1. The condition report on the poor state of the ditches in Astrope Lane confirms what residents have long been saying about their neglect due to historic lack of maintenance by landowners and the inability (due to lack of powers or failure to act) of public bodies to enforce effective and regular maintenance regimes.

2. The purpose of the ditches in Astrope Lane is to remove water from the road. They do not appear to be water courses, as they are not shown on the Herts CC Water Courses map. They were not designed - as seems to be proposed - to remove surface water from the proposed development site. The report does not provide any definitive evidence that these ditches have the capacity to be used for the dispersal of surface water from the development site, in addition to clearing surface water from the road. Indeed, it does not seem to address this point at all. This is a major limitation on the usefulness of this addendum report.

3. We oppose the report's proposal (Location 4) to make use of the ditch running along the north of the Braid to remove water from the development site. This route runs close to a number of existing low-lying properties in Chapel Lane that are already vulnerable to flooding based on existing water flows. The level of increased risk of this is not assessed. This is also a major limitation on the usefulness of this addendum report. Indeed we would hope that any remediation strategy would adopt the precautionary principle of taking water away from existing properties rather than channelling more water towards them.

4. The report makes no assessment of whether the Ashen Brook/Gudgeon Stream at the south of the area (wrongly labelled Tring Bourne in the report) and the Tring Bourne to the west (labelled drainage ditch in the report when it is in fact classified as a Main River) have the capacity to take the water that the cleared ditches will discharge into them. This is another major limitation on the usefulness of this addendum report. What we do know is that the Tring Bourne - parts of which were cleared in December 2021/January 2022 by public subscription by local residents, with some public funding - is already showing signs of becoming overgrown again and will need further maintenance work in the foreseeable future. The neglected state of the Ashen Brook/Gudgeon Stream, which has not been dredged and

cleared for very many years, is already a concern to the Tring Rural Parish Council and the Environment Agency which have written over the Summer to remind landowners of their responsibilities to maintain it in good condition. The flooding in Watery Lane/Astrope Lane caused by periodic water releases from the canal system by the Canal and River Trust demonstrates the existing very limited capacity of the Ashen Book/Gudgeon Stream.

5. The report appears to be based on a false assumption that the clearing of the ditches is a one-off exercise and that this single act will provide a sustainable long-term solution to obviate any adverse contribution that the development will make to flood risk to properties, businesses and transport infrastructure in Long Marston. As residents, all our experience leads us to the opposite conclusion. To perform effectively the ditches will require regular maintenance. The ditches have got into this parlous state because the landowners which the developer says they have been working with, have failed to maintain them properly over many years. The report does not address the issue of regular maintenance and so provides no evidence to suggest that this neglect of maintenance will change. This is a further major limitation on the usefulness of this addendum report.

6. We hope that this planning application will be reject for the reasons stated here and by many others who have commented on the additional flood risks inherent in the proposal going ahead.

However if the mitigation measures proposed are deemed adequate, perhaps with further conditions, we would urge the committee to consider whether there is an option for a condition on the developer to lodge a sum of money with Tring Rural Parish Council or some other body, to fund regular work to maintain the ditches over the long term to the standard that they propose in this addendum report

Original Comments

I object to this application because what is proposed increases the risk of flooding to neighbouring properties in Long Marston, in contravention of planning policy.

Long Marston has suffered several major flooding incidents in recent years and has a long history of flooding due to its position and geology. While much of the village is categorised as being in Flood Zone 1, many properties - including several adjacent to the proposed site - are identified by the Environment Agency's long term flood risk (ROFSW) map as being at High Risk of surface water flooding.

The application rightly recognises that any development in this area needs to be sensitive to the wider flooding risk to residents the village: however it does not offer sufficient and convincing evidence that it will not make makes worse.

In particular a key part of its attenuation strategy (6.4.1. Option 1) relies on clearing surface water from the site via ditches adjacent to Astrope Lane, which it asserts ultimately feed into the Gudgeon Stream. Even before this site has been developed these ditches are

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| | <p>routinely already full of water throughout winter. This is in part because, as the application itself admits in section 10 Conclusions, the system of ditches in the area are not routinely maintained: the application's proposed exhortation to riparian landowners to do better in future cannot be relied upon as a solution for ensuring that this maintenance will actually happen in future. But even in the make believe world where the Astrope Lane ditch was adequately maintained by riparian landowners, I think the application is deficient because it offers no firm evidence that any such clear route of ditches and culverts structurally exists to actually drain water from the site from here into the Gudgeon Stream. Nor, if it does exist, does it offer evidence as to the capacity of this route to handle the volume of likely water running off the proposed development site. As a result I fear that instead of the route the developer are relying on, surface water will run from the proposed development site towards Marston Court, the Queen's Head pub, flooding them and other properties in Station Rd and Chapel Lane. For this reason the application should be rejected</p> |
| <p>Rose and Crown Cottage</p> | <p>Having played in this field as a child it has always filled with water in the winter. The 'pits' as they were popular for sliding on when frozen.</p> <p>Where will all the displaced water go? It is not clear where the water that the site holds will drain to when we have wet periods.</p> <p>The ditch that runs parallel to the site is non-functional and runs nowhere - except to overflow and run into the village - in particular the local pub.</p> <p>The village is on a knife edge when it comes to flooding. This development will be one more straw for the over loaded camels back.</p> <p>Local residents and the Parish council have raised funds and used personal donations to try and stop the flooding. It is a shame that a development like this will just add to the problem and cause more problems for more houses.</p> <p>If the development is approved could the developers be asked to ensure the clearance of the ditch that runs down and Astrope lane and the Gudgeon stream that could take water away from the village</p> <p>The provision of two parking spaces per house is inadequate for the modern family these days.</p> <p>With young people increasingly staying at home into their 20s it is not uncommon for households to have 4 or 5 cars and vans.</p> |
| <p>Hillview, Tring Road, Gubblecote</p> | <p>I object to this planning application with these points:</p> <p>The land that is proposed for development forms a buffer between the edge of the flood plain and the rest of Long Marston village. The village already suffers from a serious flooding problem and this development will put existing houses at heightened risk. Dacorum Council has a duty of care.</p> <p>National Planning policy clearly states that developments cannot put</p> |

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| | <p>existing homes at risk.</p> <p>In 2015 the Environment Agency recommended that this land should be retained as is to minimise surface water run-off rates and provide betterment to the flooding risk. The proposal is for expensive three and four bedroom houses, which will do nothing to help young, local people get on the housing ladder. There is no requirement locally for this type of housing.</p> <p>The local infrastructure is already under pressure from several developments, which have seen houses built next to the church and in Astrope Lane and Tring Road. This adversely affects the local sewage, drainage and water supply, which are outdated and do not have adequate capacity to cope with this creeping urbanisation of our rural communities.</p> <p>The proposed development has inadequate parking, meaning that cars will be parked in the road, which is already a problem in the village. In addition the road infrastructure is under strain as it has to cope with increasing local traffic (from developments already completed) and through traffic (which has increased considerably due to large scale development in Aylesbury, Leighton Buzzard and Milton Keynes). The crossroads in the centre of the village is dangerous and accidents and severe delays frequently occur when heavy vehicles try and negotiate a road layout that was not designed for the level of traffic and cannot be altered.</p> <p>Please do the right thing and reject this application thus preserving the village from heightened risks of flooding and infrastructure failure</p> |
| <p>86 Wyngates, Leighton Buzzard</p> | <p>I have reviewed the amended plans and would like to add this objection to my previous submitted objection on the following grounds:-</p> <p>Flood risk. The amended plans still do not include adequate provisions to reduce the flood risk to Marston Court and Astrope Lane. As I am writing this, we have received heavy rain in the village in which Astrope Lane has flooded significantly, resulting in accidents and emergency services being called out. The flood report states that work needs to be done to Astrope Lane to reduce the flood risk, and that the ditches will need to be maintained. The ditches and roads are not maintained now, and I am doubtful that these will be maintained once the proposed properties are sold. The multiple significant floods over recent years have proved time and time again how vital the field is in providing a soak off for the excess water.</p> <p>School turning circle. The proposed turning circle is on a dangerous blind bend on Astrope Lane. Having grown up in Marston Court, I have frequently had near misses when trying to exit Marston Court when cars have come speeding down Astrope Lane. The exit to Marston Court is on a blind bend and is not a safe or suitable place for a school bus to access. The current bus stop outside of the school is a much safer place for the bus to stop.</p> |

Original Comments

I object to this application because what is proposed increases the risk of flooding to neighbouring properties in Long Marston, in contravention of planning policy.

Long Marston has suffered several major flooding incidents in recent years and has a long history of flooding due to its position and geology. While much of the village is categorised as being in Flood Zone 1, many properties - including several adjacent to the proposed site - are identified by the Environment Agency's long term flood risk (ROFSW) map as being at High Risk of surface water flooding.

The application rightly recognises that any development in this area needs to be sensitive to the wider flooding risk to residents the village: however it does not offer sufficient and convincing evidence that it will not make makes worse.

In particular a key part of its attenuation strategy (6.4.1. Option 1) relies on clearing surface water from the site via ditches adjacent to Astrope Lane, which it asserts ultimately feed into the Gudgeon Stream. Even before this site has been developed these ditches are routinely already full of water throughout winter. This is in part because, as the application itself admits in section 10 Conclusions, the system of ditches in the area are not routinely maintained: the application's proposed exhortation to riparian landowners to do better in future cannot be relied upon as a solution for ensuring that this maintenance will actually happen in future. But even in the make believe world where the Astrope Lane ditch was adequately maintained by riparian landowners, I think the application is deficient because it offers no firm evidence that any such clear route of ditches and culverts structurally exists to actually drain water from the site from here into the Gudgeon Stream. Nor, if it does exist, does it offer evidence as to the capacity of this route to handle the volume of likely water running off the proposed development site. As a result I fear that instead of the route the developer are relying on, surface water will run from the proposed development site towards Marston Court, the Queen's Head pub, flooding them and other properties in Station Rd and Chapel Lane. For this reason the application should be rejected

ITEM NUMBER: 5b

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| 24/01541/FUL | New build 4-bedroom house with associated landscaping | |
| Site Address: | Little Farm, Rucklers Lane, Kings Langley, Hertfordshire | |
| Applicant/Agent: | Mr Josh Price | Mr Simon Knight |
| Case Officer: | Sally Robbins | |
| Parish/Ward: | Kings Langley Parish Council | Kings Langley |
| Referral to Committee: | Contrary view of Parish Council | |

1. RECOMMENDATION

1.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

2. SUMMARY

2.1 The proposal is appropriate development in the Green Belt as it constitutes the redevelopment of previously developed land that will not cause substantial harm to the openness of the Green Belt. The proposed contemporary design and low-profile dwelling will not cause any significant harm to character and appearance of the surrounding area. The use of green roofs is appropriate in this countryside location and the development complies with the relevant policies in terms of amenity space, access, parking and residential amenity.

2.2 The proposal is therefore in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan, Policies CS5, CS10, CS11 and CS12 of the Core Strategy and the NPPF.

3. SITE DESCRIPTION

3.1 The application site is located on the north side of Rucklers Lane in Kings Langley. The site comprises an existing vehicular access off Rucklers Lane, a paddock and a collection of single storey stables and barns in the northern part of the site. The site slopes down towards the south (towards Rucklers Lane) so that the existing buildings are in an elevated position. To the north the site is bounded by the Ancient Woodland of Phasels Wood and the site resides within the Metropolitan Green Belt.

3.2 The surrounding area is rural in character with open fields / woodland immediately surrounding the site. Other nearby land uses include a ribbon of residential development situated to the southeast of the site on Rucklers Lane, Phasels Wood Scout Camp to the west and the A41 situated 200m to the east.

4. PROPOSAL

4.1 The application seeks full planning permission for the demolition of the existing buildings/ structures and the construction of a detached, single storey dwelling. The dwelling would comprise 4 bedrooms and an integral double garage. The development would involve excavation into the site, with the proposed built form stepped into the contours of the sloping site. The majority of glazing would be on the south elevation and the dwelling would be finished in light-coloured facing brickwork with a green (sedum) roof. The dwelling would utilise the existing access and driveway off Rucklers Lane. The new residential curtilage would be delineated by a new hedgerow planted to the south of the dwelling, with the paddock area being retained.

5. PLANNING HISTORY

None

6. CONSTRAINTS

Advert Control: Advert Spec Control
CIL Zone: CIL2
Green Belt: Policy: CS5
Heathrow Safeguarding Zone: LHR Wind Turbine
LEADS Ecology:
Parish: Kings Langley CP
Parking Standards: New Zone 3
EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2024)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)
Kings Langley Neighbourhood Plan (November 2021)

Relevant Policies:

Dacorum Borough Core Strategy:

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS26 – Green Infrastructure
CS29 - Sustainable Design and Construction
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Dacorum Borough Local Plan:

Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Policy 129 - Storage and Recycling of Waste on Development Sites
Appendix 3 – Design and Layout of Residential Areas

Kings Langley Neighbourhood Plan:
KL3 - Character of Development
KL4 - Design of Development

Supplementary Planning Guidance/Documents:
Planning Obligations (2011)
Car Parking Standards (2020)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)
Place and Movement Planning and Design Guidance for Hertfordshire (2024)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

- Principle of Development
- Impact on Openness
- Landscape and Visual Impact (Layout, Design, Scale)
- Impact on Residential Amenity
- Highway Safety & Parking
- Other Material Considerations.

Principle of Development

9.2 The application site lies within the Green Belt, wherein Policy CS5 of the Core Strategy states that development will be permitted, such as the redevelopment of previously developed sites, provided that it has no significant impact on the character and appearance of the countryside. Section 13 of the NPPF states that development in the Green Belt is inappropriate unless one of a number of exceptions applies, including paragraph 154 g):

limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

Previously Developed Land

9.3 Previously developed land is defined in Annex 2 of the NPPF as 'land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed).' It goes on to list a number of exclusions, for example agricultural or forestry buildings, however it does not specifically preclude stables and their associated infrastructure from the definition. It is considered that the collection of stable buildings and immediately surrounding hardstanding in the northern part of the site can be classed as previously developed land. The area to the south, i.e. the open grassed paddock area, does not contain any permanent structures or fixed surface infrastructure, and is therefore excluded from the area of previously developed land in the context of paragraph 154 of the NPPF.

Grey Belt

9.31 The latest iteration of the NPPF has introduced the concept of 'Grey Belt' land. Paragraph 155 a) states that the development of homes in the Green Belt should not be regarded as inappropriate, subject to a number of criteria, including where *'the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt*

across the area of the plan'. The definition of Grey Belt is contained within Annex 2, where it is defined as *'land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143'*. The key test to determine whether Green Belt land can qualify as 'Grey Belt' land is to assess how strongly the parcel of land contributes to the purposes of the Green Belt.

9.32 The Stage 1 Green Belt Review (Purposes Assessment by SKM dated November 2013) concluded that the Green Belt within Dacorum generally contributed to the purposes of the green Belt. There were indications, however, that some boundary adjustments could be made without compromising the achievement of the overall purposes of the Green Belt. A number of strategic sub areas that were found to contribute least to the Green Belt purposes were identified for further assessment. The parcel of land within which the site resides was not taken forwards to the next stage (Stage 2 Green Belt Review and Landscape Appraisal by Arup dated January 2016). Of the subareas taken forwards, the nearest is D-S3 which is located to the east of the site, enclosed by the A41 and railway line, and in the vicinity of Rucklers Lane. It is therefore concluded that the application site lies outside of the weakest performing Green Belt land and therefore cannot be considered 'Grey Belt'.

Impact on Openness

9.4 According to paragraph 153 of the NPPF, when considering applications for development in the Green Belt, local planning authorities are required to ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. However, paragraph 153 is caveated by footnote 55, which states *"other than in the case of development on previously developed land or grey belt land, where development is not inappropriate"*. Therefore, where the redevelopment of previously developed land is proposed, provided that the scheme does not cause 'substantial' harm to Green Belt openness (and is thus appropriate), then the local planning authority need not consider any other harm to the Green Belt (e.g. conflict with Green Belt purposes, visual harm etc.).

9.5 The below assessment will consider whether the proposed redevelopment would cause substantial harm to the openness of the Green Belt. According to the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl and safeguard the countryside from encroachment by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. The concept of openness relates to the lack of development or built form - as distinct from the absence of visual impact. However, it has been well-established by case law that the openness of the Green Belt has a visual aspect as well as a spatial aspect. As such, the impact of a proposal on the openness of the Green Belt should be assessed taking into account both its spatial and visual impact.

Spatial Impact

9.6 The first point to consider is whether the proposed development would have a greater spatial impact on the openness of the Green Belt than the existing development. The below figures have been provided by the applicant:

Existing

Floor area: 403.3m²

Volume: 853m³

Proposed

Floor area: 383.7m²

Volume: 913m³

9.7 Based on the above figures, the proposal represents a decrease in floor area of 4.85% and an increase in volume of 7%. The height of the existing buildings on site ranges from 2.2m - 3m. The maximum height of the proposed buildings would be 3m (above existing ground level). In terms of siting, the proposed dwelling would be in the northern part of the site, over the existing developed area. The proposal would consolidate the existing built form of the stable buildings, with the proposed massing brought further away from the woodland to the north. As outlined above, the proposed building would be partially submerged into the hillside. The proposal includes an area of hardstanding to the north of the dwelling to allow for a driveway leading into the garage to the rear of the site. The proposed dwelling would be positioned over the existing developed area and would not sprawl out into open countryside. Whilst there would be a marginal increase in volume, this would be offset by the reduction floor area. Overall, it is considered that the proposed development would not have a greater spatial impact on Green Belt openness compared to the existing development.

Visual Impact

9.8 The site is relatively well-screened from the adjoining highway during the summer months due to dense mature hedgerows along Rucklers Lane. The vegetation cover is less during the winter months and, due to the rising topography away from the road, the site is more prominent during these months. In addition, the site is visible from the surrounding open countryside, although it is noted that the site cannot be readily seen from any nearby public rights of way, the closest of which are public footpath no. KL 019, which is 250m to the southeast, and public footpath no. HH 072, which is 400m to the west.

9.9 Given that the existing buildings on site are equestrian in appearance, i.e. finished in timber with little to no fenestration or reflectivity, it is considered that the proposed dwelling with glazing on the southern elevation, would be more prominent and would have more of a domestic appearance in comparison to the existing development on site. There would be mitigating design features that would help the proposed dwelling to blend into its surroundings, including green roofs, new hedging and the overall built form being partially submerged into the hillside. Nonetheless, it is felt that visually the proposal would have a greater impact on Green Belt openness than the existing development, in that it would be more visually prominent.

Summary

9.10 Bringing all of the above together, it is considered that the proposed development would not have a greater spatial impact on Green Belt openness, however it would have a greater visual impact on Green Belt openness than the existing development by virtue of the increased visual prominence. However, in the context of paragraph 154 g) of the NPPF it is not considered that the level of harm would be substantial and therefore the proposed redevelopment of the site is not inappropriate development in the Green Belt.

Landscape and Visual Impact (Layout, Design, Scale)

9.11 Core Strategy Policies CS11 and CS12 and paragraph 131 of the NPPF highlight the importance of high-quality sustainable design, seeking to ensure that developments are in keeping with the surrounding area. The site resides within the 'Rural Zone' according to the Kings Langley Neighbourhood Plan, wherein any new development should seek to reduce its impact on the existing open nature of the parish.

9.12 Kings Langley Neighbourhood Plan Policies KL3 (Character of Development) and KL4 (Design of Development) seek to ensure that development proposals conserve and, where practicable, enhance the character of the Character Area in which it is located, reflecting architectural variety found locally and using materials that are in keeping with those used in existing buildings in the

immediate locality. Development proposals should demonstrate a high quality of design, which responds and integrates well with their surroundings.

9.13 The surrounding area is rural in character with open fields surrounding three sides of the site and dense woodland to the north. Residential development is sporadic on this part of Rucklers Lane, gradually increasing in density further towards the east and closer to the settlements of Hemel Hempstead and Kings Langley. The predominant architecture of established residential development on Rucklers Lane is traditional, comprising single and two-storey detached dwellings close to the application site. Further to the east there is a character change, wherein the spacious layout of Lady Meadow, for example, gives way to higher density semi-detached and terraced two storey dwellings on Rucklers Lane closer to the junction with Hempstead Road. In terms of new development in the vicinity, there are contemporary examples, such as the redevelopment at Fairy dell Farm (application refs. 19/02791/FUL and 21/02234/FUL), which collectively comprised 6 modern two-storey dwellings with flat sedum roofs, basement levels and balconies.

9.14 The proposed development comprises a single storey dwelling, which steps down the hillside, following the contours of the landscape. The dwelling would comprise a flat roof planted with sedum and would be finished in light-coloured facing brickwork with stone columns supporting a veranda on the south elevation. Parking would be within an integral garage to the rear of the property and the dwelling would utilise the exiting access from the highway. The proposed site plan shows that a new hedge would be planted to delineate the residential curtilage.

9.15 The proposed dwelling would be set back from the highway and would be screened at street level by dense, mature hedgerows particularly during the summer months. The site is in an elevated position above the main highway, nonetheless it would be seen against the backdrop of the woodland to the rear and would therefore not affect skyline views. Whilst the proposed dwelling would be more visible than the existing weathered stable buildings, it is felt that the overall scale of the dwelling would be low profile and the design is high-quality. There would be longer views from within the open countryside, however it is considered that the proposed layout, scale and design, whilst contemporary, would not cause any significant harm to the character and appearance of the surrounding area. The proposal therefore complies with the above-mentioned policies in terms of its visual impact.

Impact on Residential Amenity

9.16 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 and Policy CS12 of the Core Strategy seek to ensure that new development does not result in a detrimental impact upon the neighbouring properties and their amenity space in terms of visual intrusion, loss of light or privacy.

9.17 In terms of existing occupiers, the nearest residential properties to the proposed dwelling are located 100m to the south (dwellings on the south side of Rucklers Lane) and 115m to the west (Dreamscape). In terms of the visual impact, the proposed dwelling would be single storey and would be screened by existing mature hedgerows and vegetation. In terms of light provision, privacy and noise / disturbance, it is considered that the separation distances are more than sufficient to avoid any significant harmful effects.

9.18 In terms of future occupiers of the proposed dwelling, it is felt that the layout and position of the property would provide a good standard of amenity in terms of outlook, light provision and living space. Taking all of the above into account, the proposed development complies with the above-mentioned policies in terms of residential amenity.

Impact on Highway Safety and Parking

9.19 The NPPF, Policies CS8 and CS12 of the Core Strategy and the Parking Standards SPD all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers. The parking requirement set out in Appendix A of the Parking Standards SPD is 3 allocated spaces for a four-bedroom dwelling within Accessibility Zone 3. The development proposes two off-street parking spaces within the integral garage and there is sufficient space on the hardstanding outside the garage for at least one additional vehicle. As such, it is considered that the proposal meets the above requirement in terms of parking.

9.20 The existing access would be utilised and no highway works are proposed. The use of the access is likely to be increased due to the change of use, but this would not be by an appreciable amount that would cause a severe impact upon the highway. In terms of sustainability, the site is located approximately 2.5km south of the centre of Hemel Hempstead. The nearest bus stop to the site is approximately 1.9km away and the nearest train station, Apsley, is 2.8km away. Thus, the site is not considered to be in a sustainable location and would be reliant on the private car, however due to the size of development the Highway Authority raises no objection in that respect as the highway impact would not be severe.

9.21 In terms of refuse and waste collection, Manual for Streets states that waste collection vehicles must be able to get within 25m of the bin storage location and residents should not carry waste more than 30m to this location. The proposed refuse bin store would be located close to the access, within the 25m required distance. The bin store would exceed the 30m distance from the dwelling set out in Manual for Streets, however it is not felt that this alone warrants refusal of the application.

9.22 With respect to emergency vehicle access, Herts Fire & Rescue initially commented that it was unclear from the plans submitted as to whether a fire tender would be able to access, manoeuvre and exit the site in forward gear. A swept path analysis was subsequently submitted that demonstrates that an 8.1m long fire tender (the size of vehicle used by Hertfordshire Fire & Rescue) would be able to turn around on site and egress to the highway in forward gear, thus providing fire hose access to within 45m of all parts of the dwelling.

9.23 Taking all of the above into account, it is considered that the proposed development complies with the above parking requirements and would not have an unreasonable impact on the safety and operation of the adjoining highway. The proposal is acceptable from a parking and highway safety perspective and accords with the above-mentioned policies.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.24 Saved Policies 99 and 100 of the Dacorum Local Plan and Policy CS12 of the Core Strategy seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

9.25 No trees are proposed to be removed or pruned as part of the development. A Tree Protection Plan has been submitted in support of the application, which demonstrates the location of tree protection fencing to protect the root protection areas of trees within the site and in the ancient woodland to the north. A condition is recommended to ensure that the tree protection fencing is implemented prior to commencement of development.

9.26 In addition, new tree planting is proposed, as indicated on the submitted site plan. Further detail in terms of proposed landscaping and tree planting would also be secured by condition. The Council's Trees & Woodlands Officer has been consulted and raised no objections to the application

being approved. Subject to the above conditions, the proposal complies with the above conditions in terms of impact on trees.

Ecology

9.27 Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Furthermore, Core Strategy Policy CS26 seeks to conserve and restore habitats and species.

9.28 The application site is situated in an ecologically valuable area, with Great/Phasels Woods ancient woodland adjacent to the northern boundary and a Preliminary Ecological Appraisal & Preliminary Roost Assessment has been submitted in support of the application. The County Ecologist has been consulted and has raised no objection to the proposal subject to the inclusion of conditions to secure a Construction Environmental Management Plan and a Biodiversity Enhancement Plan condition. The application is exempt from mandatory 10% Biodiversity Net Gain due to it being a self-build development. However, biodiversity enhancements should still be delivered, in accordance with the above policies, hence the recommended Biodiversity Enhancement Plan condition. Subject to the above conditions, the proposal is acceptable from an ecological perspective.

Archaeology

9.29 Core Strategy Policy CS27 states that features of known or potential archaeological interest will be surveyed, recorded and wherever possible retained. The application site is within an Area of Archaeological Significance and the County Archaeologist notes that there is a potential for undisturbed archaeological remains to be encountered during development. The County Archaeologist has raised no objection to the proposal subject to further archaeological investigations, which would be secured by condition should planning permission be granted.

Contaminated Land

9.30 Core Strategy Policy CS32 seeks to maintain soil quality standards and remediate contaminated land. The Council's Contaminated Land Officer has been consulted and recommended contaminated land conditions, should planning permission be granted, which is considered necessary as the site is brownfield with a proposed change of use to residential with a private garden.

Habitats Regulations Assessment – Chilterns Beechwoods SAC

9.31 As part of its ongoing work to prepare the Local Plan, Dacorum Borough Council is required by law to undertake a Habitats Regulations Assessment (HRA) to understand the impacts that current and planned future growth is having on sites designated under the Habitats and Birds Directive. Evidence gathered to date concludes that the integrity of the Chilterns Beechwoods SAC, particularly at Ashridge Commons and Woods SSSI, is being harmed as a result of public access and disturbance.

9.32 Natural England recognises that there could be a serious potential conflict between the plans for any new housing development in the area surrounding the Chilterns Beechwoods SAC, and the conservation objectives for the protected features there. As such, a mitigation strategy needs to be developed to offset the current harm to the sites.

9.33 The application site resides within the Chilterns Beechwoods 'zone of influence', therefore following advice from Natural England, a mitigation strategy is needed, which sets out the actions necessary to protect the SAC from both existing and future pressures. At a meeting held on 15

November 2022, Dacorum Borough Council Cabinet approved the Chilterns Beechwoods Special Area of Conservation Mitigation Strategy. It also approved two Suitable Alternative Natural Greenspace (SANG) Management Plans for Bunkers Park and Chipperfield Common.

9.34 The new Mitigation Strategy sets out targeted measures to protect the site and to accommodate the predicted pressures associated with future growth within the 12.6-kilometre Zone of Influence that extends from Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). These measures will be delivered through a range of projects by the National Trust over a period of around 80 years (to 2102-2103).

9.35 The National Trust has confirmed that these Strategic Access Management and Monitoring (SAMMS) measures will cost a total of £18.2million. This cost will be shared across all of the affected local authorities. In Dacorum, this means that developers will be required to pay a tariff for each new home built.

9.36 To help to reduce recreational pressures on Ashridge Commons and Woods, alternative green spaces need to be identified. All new developments within the Zone of Influence will need to make provision for a new Suitable Alternative Natural Greenspace (SANG), or alternatively contribute towards the maintenance of a suitable SANG project elsewhere.

9.37 Larger developments (10 or more new homes) must be located close to a suitable SANG. Smaller developments can contribute towards an existing SANG. Developers that are unable to provide a suitable new SANG will be required to make a payment to us towards the long-term management and maintenance of these sites.

9.38 The proposed development would be eligible to financially contribute to the two SANG Management Plans for Bunkers Park and Chipperfield Common, which would be secured via legal agreement should planning permission be granted.

Community Infrastructure Levy (CIL)

9.39 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable and resides within CIL Zone 2.

10. CONCLUSION

10.1 The proposed dwelling is appropriate development in the Green Belt as it would constitute the complete redevelopment of previously developed land, which would not have a substantial impact on the openness of the Green Belt than the existing development. Furthermore, by virtue of its layout, design and scale the proposed dwelling would not have a significant impact on the character and appearance of the surrounding area. There would be no significant impact upon the living conditions of surrounding properties and it will provide a good standard of living conditions for future occupants. The proposal would make effective use of land and would meet the requirements in terms of parking provision. The proposal is therefore in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan, Policies CS5, CS11 and CS12 of the Core Strategy and the NPPF.

11. RECOMMENDATION

11.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a

mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

Condition(s) and Reason(s):

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

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

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

Approved Plans:

328-LFK_07_001 P1
328-LFK_07_010 P2
328-LFK_07_110 P2
328-LFK_07_111 P2
328-LFK_07_112 P2
328-LFK_07_311 P1
328-LFK_07_310 P1
328-LFK_07_211 P1
328-LFK_07_210 P1
328-LFK_07_010

Supporting Documents:

- TREE SURVEY AND ARBORICULTURAL IMPACT ASSESSMENT dated 28th May 2024 by GHA Trees
- Planning, Design and Access Statement dated July 2024 by Simon Knight Architects
- Tree Protection Plan dated Nov 2024 by GHA Trees
- Preliminary Ecological Appraisal & Preliminary Roost Assessment dated 16th May 2024 by arbtech

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

3. **No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:**
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

i) Demonstrate how the development will protect the ancient woodland from any potentially damaging construction activities, and should also include how the works will be carried out under a minimum 15m buffer (outlined in Table 1 of the Preliminary Ecological Appraisal & Preliminary Roost Assessment dated 16th May 2024 by arbtech).

Any external lighting should follow guidance from the Bat Conservation Trust and Institution of Lighting Professionals (2023), and be designed to minimise light spill, in particular directing light away from boundary vegetation to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

The development shall be carried out in accordance with the mitigation measures and recommendations set out in Table 4 of the Preliminary Ecological Appraisal & Preliminary Roost Assessment dated 16th May 2024 by arbtech, with respect to nesting birds, badgers, hedgehogs and reptiles.

The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy (2013) and Section 15 of the National Planning Policy Framework (2024).

4. **Prior to the commencement of the development hereby approved, the tree protection measures shown on the approved 'Tree Protection Plan' dated Nov 2024 by GHA Trees shall be implemented and thereafter retained until completion of the development. There shall be no excavation, changes in levels, storage of materials or access within the root protection areas of retained trees unless previously specified and agreed.**

Reason: In order to ensure that damage does not occur to trees 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 187 of the National Planning Policy Framework (2024).

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

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as required by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

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 207 of the National Planning Policy Framework (2024).

6. **The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 5.**

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 207 of the National Planning Policy Framework (2024).

7. **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 5 and the provision made for analysis and publication where appropriate.**

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 207 of the National Planning Policy Framework (2024).

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

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

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

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

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

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

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

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

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

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

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

10. **No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

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

11. **Notwithstanding the details submitted, the development hereby approved shall not progress beyond damp proof course until a Biodiversity Enhancement Plan has been submitted to, and approved in writing by, the local planning authority. The Biodiversity Enhancement Plan should include the following:**

- o One integrated bird box, and one integrated bat box should be incorporated into the building plan. The location and type of box should be outlined**
- o One bat box, and one bird box should be erected on retained trees at the northern boundary of the site**
- o One hedgehog gap per fence (where applicable).**

The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy (2013) and Section 15 of the National Planning Policy Framework (2024).

12. **No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**
- o all external hard surfaces within the site
 - o other surfacing materials
 - o means of enclosure
 - o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs

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

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

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

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

Schedule 2, Part 2, Classes A, AA, B and E

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 135 of the National Planning Policy Framework (2024).

Informatives:

1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
2. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

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

3. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
4. Contaminated Land: Guidance on how to assess and manage the risks from land contamination can be found here: <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm> and here: https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8
5. Working Hours: Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

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

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

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

6. Construction Dust: Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.
7. Waste Management: Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.
8. Air Quality: As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

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

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

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

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

9. Invasive and Injurious Weeds: Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at:
<https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>
10. Article 35 Statement: Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
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| Kings Langley Parish Council | Objection Greenbelt and the overall design of the planning application. |
| Natural England | 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 |

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| | <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"> o Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG. o Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy. <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been obtained.</p> |
| <p>Hertfordshire Fire & Rescue (HCC)</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> <p>1. Appliance access minimum width of the road between kerbs is to be 3.7m. Minimum width of gateways is 3.1 m</p> <p>Access for an appliance does appear to meet these guidance width stated.</p> <p>2. Access measures more that 45m from the furthest point inside the dwelling to the nearest stopping point for a fire appliance.</p> <p>Dependent on the outcome of a swept path analysis, if required, 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> <ul style="list-style-type: none"> 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; 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). |

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| | <p>3. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 19 tonnes.</p> <p>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.</p> <p>The turning facilities do not appear to allow for a turning circle of an appliance. Please could the applicant submit a swept path analysis to demonstrate access and turning facilities using an HFRS vehicle measuring 8.1m long and 2.9m wide.</p> <p>WATER SUPPLIES</p> <p>For guidance and requirements water for supplies for fire-fighting (Fire hydrants) at this location, please contact Hertfordshire Fire & Rescue Services water officer on 01992 507507 or water@hertfordshire.gov.uk</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>Hertfordshire Highways (HCC)</p> | <p><u>Comments received on 18 July 2024 (initial plans):</u></p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or</p> |

public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments/Analysis

Description of Proposal

New dwelling with associated landscaping

Site and Surroundings

Rucklers Lane is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. As per Hertfordshire County Council's new design guide (Place and Movement Planning Design Guide (PMPDG)), Rucklers Lane is classified as a P1/M1 (e.g. Rural Lane). The site is located in a rural area approximately 2.5km south of the centre of Hemel Hempstead. The nearest bus stop to the site is approximately 1.9km away although the route does not have a footway; neither does the route to the nearest train station, Apsley, which is 2.8km away. Therefore, the site would not be considered to be in a sustainable location and would be reliant on the private car; due to the size of development however, HCC would not wish to recommend refusal as the highway impact would not be severe.

Access and Parking

The application does not propose to alter the existing access into the site from Rucklers Lane; therefore, no highway works are proposed.

The proposed dwelling does not impact the existing available visibility from this access. The use of the access is likely to be increased due to the change of use, but this would not be by an appreciable amount which would cause a severe impact upon the highway. There have not been any collisions fronting the site nor within 250m each way from the site.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that two parking spaces have been provided within the proposed garage which is shown on drawing number 328-LFK_07_110 Rev P1 to have a parking area measuring 5.9m x 6m. According to the Place and Movement Planning and Design Guidance (PMPDG) and Manual for Streets, a garage should measure 3m x 6m to ensure that a modern vehicle can park, therefore, the proposed is considered a suitable size given it is only approximately 10cm short of the recommended width. Cycle parking has not been mentioned within the application, but it is assumed this can be made available within the private garden of the site as required. Electric vehicle charging should be included in line with DBC standards and Building Regulations.

Refuse and Waste Collection

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location and resident should not carry waste more than 30m to this location. Due to the size of the site and the location of the proposed bin stores on drawing number 328-LFK_07_112 Rev P1, the carry distance is likely to be exceeded. Ultimately DBC as the waste collection authority must be satisfied with the proposed a the site.

Emergency Vehicle Access

In accordance with Manual for Streets Paragraph 6.7, the entirety of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. This distance is exceeded at the site. The minimum width which is required for an emergency vehicle to enter an access is 3.1m, the width of the access is acceptable however the driveway is smaller than this in places and it is unclear if an emergency vehicle will be able to turn around within the site. Therefore, HCC Fire and Rescue have been asked to comment on the application and HCC Highways comments are made subject to their comments.

Conclusion

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on

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| | <p>the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application, subject to comments made by HCC Fire and Rescue.</p> |
| <p>Hertfordshire Highways (HCC)</p> | <p><u>Comments received on 17 December 2024 (amended plans):</u></p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Comments</p> <p>Some amended plans have been submitted as part of the application including the swept path analysis / tracking plan for an 8.1m long fire tender (the size of vehicle used by Hertfordshire Fire & Rescue). The details would be considered to be acceptable in this respect to illustrate that such a vehicle would be able to turn around on site and egress to the highway in forward gear.</p> <p>HCC as Highway Authority would not have any other comments in addition to those submitted as part of its original response dated 16/07/2024 and its recommended highway informatives.</p> |
| <p>Hertfordshire Ecology</p> | <p>Overall Recommendation:</p> <p>Application can be determined with no ecological objections (with any conditions/informatives listed below).</p> <p>Summary of Advice:</p> <ul style="list-style-type: none"> o CEMP Condition to include mitigation for bats (lighting), nesting birds, reptiles, and badgers. o Biodiversity Enhancement Plan Condition. o HRA required. <p>Supporting documents:</p> <ul style="list-style-type: none"> o Preliminary Ecological Appraisal & Preliminary Roost Assessment (Arbtech, 16th May 2024). <p>Comments:</p> <p>The application site is situated in an ecologically valuable area, with Great/Phasels Woods ancient woodland adjacent to the northern boundary. The site comprises four buildings, developed land, other neutral grassland, scattered trees, ruderal vegetation, and a hedgerow.</p> |

A Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) was carried out by Arbtech (May, 2024), whereby the site was assessed for its potential to host protected/notable species.

Bats and habitats: The adjacent ancient woodland is classified as an irreplaceable habitat (NPPF). Given the proximity of the development to this habitat, I consider it reasonable to advise that a Construction Environmental Management Plan (CEMP) should be submitted as a Condition of approval. This should have a section to outline how the development will protect the ancient woodland from any potentially damaging construction activities, and should also include how the works will be carried out under a minimum 15m buffer (outlined in table 1 of the ecology report).

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

All buildings and trees onsite were confirmed to be of negligible suitability for bats. However, the adjacent ancient woodland is of high value for foraging, commuting, and roosting bats. Because of this, I consider there to be a considerable risk that the bats utilizing this adjacent habitat will be subject to light disturbance if no mitigation is provided.

Consequently, I advise that the CEMP should include a section on lighting during the construction phase to ensure that any external lighting, whether this be temporary or permanent, does not negatively impact bats, or other nocturnal wildlife.

"Any external lighting should follow guidance from the Bat Conservation Trust and Institution of Lighting Professionals (2023), and be designed to minimise light spill, in particular directing light away from boundary vegetation to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites".

Nesting birds: Bird nests were located in B2 and B3, and claims in the ecology report indicate that the nest in B2 was active at the time of the survey. Additionally, the boundary vegetation and adjacent woodland will have value for nesting birds. All wild birds, their nests, eggs and young are afforded protection and in general terms it would be an offence to kill, injure or displace breeding birds and their young.

Mitigation for nesting birds is outlined in Table 4 of the ecology report which relates to timings of work, retaining active nests and buffer zones, and precautionary methods to reduce noise levels and disturbance from machinery. I advise that this mitigation should be included in the already conditioned CEMP.

Badgers: The site has value for badgers, and the adjacent woodland is of high value for foraging, commuting, and sett making. A mammal run was found during the survey which was located underneath a rubble pile at the northwester section of the site. A badger hair was also located in a close-by location. Given the evidence that badgers may be utilizing the site, mitigation has been outlined in Table 4 which relates to supervised clearance, covering excavations, night lighting, and chemical storage. I advise that this mitigation should be included in the already conditioned CEMP. This mitigation will also apply to any hedgehogs that may be on site.

Reptiles: The ecology report outlines that the site has potential for reptiles which is owed to the ruderal vegetation, grassland, and rubble piles. Additionally, given the appropriate adjacent habitat in the form of the woodland, it cannot be ruled out that reptiles may be present. However, from the photos, the areas which have value for reptiles are fragmented, and are generally limited to the boundaries. I do not consider it reasonable to request reptile surveys, however, in the absence of mitigation for this group, there is a possibility that an offence may be committed. Consequently, I advise the mitigation outlined in Table 4 should be included in the already conditioned CEMP.

Amphibians: There are no ponds on site, and no known ponds within 500m of the site. Whilst some of the habitat is suitable for great crested newts, given the lack of ponds, I do not consider it likely for them to be onsite. Therefore, no further mitigation is required for this group.

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| | <p>Chilterns Beechwoods SAC: The proposed development comprises the erection of a four-bedroom house. This suggests a net increase in residential accommodation. Given that the proposed development lies within the Chilterns Beechwoods Special Area of Conservation (SAC) 'Zone of Influence', the Habitats Regulations 2017 (as amended) apply and we recommend that as the competent authority, the Council must undertake a Habitats Regulations Assessment (HRA).</p> <p>As there is no indication in the application that the tariff(s) will be paid, it is our opinion that adverse effects cannot be ruled out and consent cannot be granted until adequate mitigation is provided.</p> <p>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, all planning applications granted permission are to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.</p> <p>The biodiversity gain planning condition does not apply in relation to the following exemption which the applicant states the application meets:</p> <p>1. Self-Build and Custom Build Applications and consisting of no more than 9 dwellings on a site no larger than 0.5 hectares.</p> <p>The Ecology Service (LEADS) has not undertaken any scrutiny of the validity of the claimed exemption but taking it on face value in this instance the requirement for mandatory 10% biodiversity gain does not apply.</p> <p>Biodiversity enhancements: In the absence of biodiversity net gain, I consider this development should still seek to enhance biodiversity through enhancement measures. Consequently, I advise that a Biodiversity Enhancement Plan should be submitted as a condition of approval. The plan should include the following:</p> <ul style="list-style-type: none"> o One integrated bird box, and one integrated bat box should be incorporated into the building plan. The location and type of box should be outlined. o One bat box, and one bird box should be erected on retained trees at the northern boundary of the site. o One hedgehog gap per fence |
| <p>Historic Environment (HCC)</p> | <p>Please note that the following advice is based on the policies contained in National Planning Policy Framework (NPPF).</p> |

The site lies within Area of Archaeological Significance No.52, as described in the Local Plan. This notes the Prehistoric activity and settlement at Ruckler's Lane. This Historic Environment Record notes evidence of continuous activity during the prehistoric period and later in this area, including Prehistoric features [HER 16581], Neolithic occupation [HER 9959], Late Bronze Age to Early Iron Age occupation [HER 9959], part of a supposed trajectory of a Roman road [HER 4585] and Roman (or later) inhumations [HER 987].

Although the site of proposed development is currently occupied by a collection of stables and barns, site photos provided in the Design and Access Statement submitted with the application show there is likely minimal below ground disturbance caused by these buildings. Furthermore, the proposed site plans show the new dwelling is situated opposite the extant buildings, and therefore, there is a potential for undisturbed archaeological remains to be encountered during development.

I believe that the location of the proposed development is such that it should be regarded as likely to have an impact on significant heritage assets. I recommend, therefore, that the following provisions be made, should you be minded to grant consent:

1. The archaeological monitoring of the removal of footings/hard standings further to the demolition of existing buildings;
2. the archaeological field evaluation of the proposed development area, via trial trenching, prior to development commencing;
3. such appropriate mitigation measures indicated as necessary by that evaluation. These may include:
 - a. the preservation of any remains in situ, if warranted,
 - b. appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
 - c. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
 - d. such other provisions as may be necessary to protect the archaeological interests of the site;
4. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;
5. such other provisions as may be necessary to protect the archaeological interests of the site;

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 16 (para. 211, etc.) of the National Planning Policy Framework, and relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

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

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

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as required by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

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

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

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| | <p>If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations, and to provide information on professionally accredited archaeological contractors who may be able to carry out the necessary work.</p> <p>I hope that you will be able to accommodate the above recommendations.</p> |
| <p>Environmental And Community Protection (DBC) - Noise, Odour and Air Quality</p> | <p>With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However, I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, Air Quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p>Working Hours Informative Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team 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.</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> |

Waste Management Informative

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

Air Quality Informative.

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

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

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

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

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

Invasive and Injurious Weeds - Informative

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an

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| | <p>invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</p> |
| <p>Environmental And Community Protection (DBC) – Contaminated Land</p> | <p>Having reviewed the planning application and considered the information held by the Environmental & 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. This is considered necessary as the site is brownfield with a proposed change of use from commercial to residential with a private garden</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written Preliminary Environmental Risk Assessment Report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until an Intrusive Site Investigation Risk Assessment Report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p> <p>(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report (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.</p> |

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

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

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

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

Condition 2:

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

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

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

Informative:

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

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

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|------------------------------|--|
| | <p>https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</p> <p>and here:</p> <p>https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8</p> |
| Trees & Woodlands | <p>According to the information submitted no trees of significant landscape value or amenity will be detrimentally affected by the development. I have examined the information and have no objections to the application being approved.</p> |

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 3 | 0 | 0 | 0 | 0 |

Neighbour Responses

- None received

Agenda Item 6

6. APPEALS UPDATE

6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 16 September 2024 and 31 December 2024.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|--------------|--------------|--|-------------------------|
| 1 | 23/02876/MPI | W/24/3352742 | Cuthbert Mayne School, Clover Way, Hemel Hempstead | Hearing |
| 2 | 24/01556/FHA | D/24/3352868 | 4 Chaulden Terrace, Hemel Hempstead | Householder |
| 3 | 23/01138/FUL | W/24/3353398 | Ferrers Hill Farm, Pipers Lane, Markyate | Hearing |
| 4 | 24/01352/FHA | D/24/3353831 | 13 Marchmont Green, Hemel Hempstead | Householder |
| 5 | 24/00787/FUL | W/24/3354130 | End Oak, Water Lane, Bovingdon | Written Representations |
| 6 | 24/01432/FHA | D/24/3354212 | Ashlyns Farm Cottage, Chesham Road, Berkhamsted | Householder |
| 7 | 24/02035/LDP | X/24/3354465 | 115 Long Chaulden, Hemel Hempstead | Written Representations |
| 8 | 24/00157/FUL | W/24/3355387 | Mollcroft, 69 Hempstead Lane, Potten End | Written Representations |
| 9 | 24/02112/UPA | D/24/3357369 | Cherry Tree Cottage, Long Lane, Bovingdon | Householder |
| 10 | 24/01958/RET | D/24/3357472 | Roseheath Wood, Bulbeggars Lane, Potten End | Householder |
| 11 | 24/01718/FHA | D/24/3357556 | Frith, Chesham Road, Wigginton | Householder |
| 12 | 24/00330/MFA | W/24/3358032 | Haresfoot Farm, Chesham Road, Berkhamsted | Hearing |
| 13 | 24/00747/OUT | W/24/3358069 | 40 Tower Hill, Chipperfield | Written Representations |
| 14 | 24/00781/FUL | W/24/3358181 | 1 Dale End, Box Lane, Hemel Hempstead | Hearing |

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 16 September 2024 and 31 December 2024.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|---|--------------|--------------------------------------|-------------|
| 1 | 24/00665/FHA | D/24/3344620 | 31 Cemetery Hill, Hemel Hempstead | Householder |
| | Date of Decision: | | 23/09/2024 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3344620 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The development proposed is a single storey front extension</p> <p>Whilst the street has a mix of building types it nevertheless has a coherent character, derived from the uniformity within groups of buildings, each resulting from different phases of its development.</p> <p>In extending the existing 'catslide' roof and front projection to the side, the appeal proposal would erode the symmetry between the appeal property and No33, significantly injuring the current visual balance. Its height and width would combine with its location at the front of the property to make it highly prominent in the street. This in turn would harmfully undermine the uniformity and cohesion of the group of six homes the appeal property is part of and, by extension, weaken the contribution the group makes to the street. The proposal would harm the character and appearance of the appeal site and local area.</p> <p>In relation to the proposed extension, the nearest window is in the ground floor, front elevation at No29 (the window). It serves a habitable room, and the proposed extension would infringe upon a 45-degree angle line taken from it. The window is already prevented from receiving direct sunlight by a combination of its north-facing aspect and the front projection at No29, but it nevertheless benefits from diffuse natural light. It is the only source of natural light to the room it serves.</p> <p>Though the extension would reduce downwards towards the front, it would be a substantial addition which, due to its height and proximity to the boundary, would harmfully reduce the amount of diffuse light to the window at No29. Through its height and proximity to the boundary, the appeal proposal would severely impinge upon north-westerly outlook, and create a pronounced sense of enclosure for No29. This would be exacerbated by the appeal property occupying higher ground. The proposed extension would be substantially taller than the existing boundary fence between the appeal site and No29 and, as such, introduce substantial reductions in light and outlook over and above any associated with the fence. For the reasons set out above, the proposal would harm the living conditions of the occupants of No29 with particular reference to light and outlook.</p> | | | |

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|--|--------------|--------------------------------------|-------------|
| 2 | 23/02816/FHA | D/24/3340643 | Little Oaks, Darrs Lane, Northchurch | Householder |
| | Date of Decision: | | 25/09/2024 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3340643 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The development proposed is demolition of existing side extension and detached garden room, construction of new side and rear extensions, with associated internal alterations.</p> <p>The appeal site lies within the Green Belt. The proposed development would enlarge the existing property by adding a large, two-storey extension to the rear, which would project many metres beyond the back wall of the existing property. Given its depth, width and height, the proposal would add significant bulk and mass to the host building. Furthermore, the floorspace of the proposed development would be substantially larger than the host building, almost doubling the size of the internal living accommodation. It is clear that the proposed development would substantially increase the size of the dwelling, such that it would amount to a disproportionate addition to the original building. I conclude that the proposal would be inappropriate development in the Green Belt.</p> <p>Openness can be perceived visually and spatially. Whilst there would be some minor alterations to the street-facing elevation, the bulk of the additional built form would be sited to the rear of the host property, which is well-screened from longer views by trees and boundary treatments. However, the development would be observed in closer views from neighbouring properties, over the boundary fencing and through gaps in the trees. Given that the proposal would occupy space that is mostly undeveloped, there would be minor harm to openness in visual terms, albeit at a localised level. Due to its width, depth and height, the addition would be a substantial structure that would occupy a part of the garden that is largely devoid of buildings. It would therefore have a modest but deleterious effect on the spatial openness of the appeal site. It follows that the proposal would not preserve the openness of the Green Belt. The harm to openness would be in addition to the inappropriateness of the proposal.</p> <p>At two storeys high, and given its depth and proximity, the side wall of the proposal would be an imposing structure that would partially block views across gardens and upwards towards the sky from the rear windows and garden of Hillcrest. Instead, views from Hillcrest would be towards the side wall of the proposed extension which, other than one small window, would be a largely blank façade. Consequently, the proposed development would be unduly dominant in the outlook from the neighbouring property to the degree that it would cause harm to the living conditions of its occupants. There would be no undue harm arising to the living conditions of the occupants of Hillcrest through the loss of sunlight or daylight.</p> | | | |

| | There are no very special circumstances before me that indicate this inappropriate development should be approved. | | | |
|-----|--|--------------|----------------------------------|----------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 3 | 24/00484/FUL | W/24/3343926 | 16 Park Road, Hemel Hempstead | Written Representations |
| | Date of Decision: | | 07/10/2024 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3343926 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The development proposed is change of use of private hard standing into private green space and erection of new fence line.</p> <p>The appeal proposal would change the use of the hardstanding, incorporating it within the residential curtilage of the appeal site dwelling. It would enclose the area with a new boundary hedge of similar height to the current garden fence, leaving the outermost edge as a footpath. Whilst tall hedges are reasonably common in the wider area, they are not a feature of the Close. As such, even if the hedge was attractive and well-maintained it would appear incongruous in the immediate setting. Moreover, and irrespective of the extent to which the hardstanding is used for parking, social events, and children's play, enclosing it as proposed would harmfully erode the openness of the Close and undermine the communal character of its central area. For the reasons set out above the appeal proposal would be harmfully at odds with the character and appearance of the area.</p> <p>The hardstanding is large enough to offer a range of options in these, or similar, respects and, critically, is land over which the Highway Authority already has rights; this significantly enhances the prospect of sustainable transport facilities being provided there. Any such facilities would likely be modest in size, and not erode the open character of the Close to an extent comparable to the appeal proposal. In all, the proposed development would frustrate an otherwise feasible opportunity to provide sustainable transport options in future.</p> <p>Should a suitable means of enclosure not be provided, both the enlarged rear garden and the rear doors and windows of the appeal property would be directly overlooked over a short distance from the public highway, which is on higher ground. This would significantly erode levels of privacy at the appeal site, both inside the rear, ground floor parts of the appeal property, and in the rear garden. The proposed boundary planting has not been shown to be reliable in ensuring adequate levels of privacy for occupants of the appeal site.</p> <p>The proposal would retain a kerb some 1.2m wide at its narrowest and, as such, provide a safe walkway for pedestrians. Given the hardstanding already offers a larger, safe walkway, I attribute minimal weight to this benefit.</p> | | | |

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|---|--------------|------------------------------------|-------------------------|
| 4 | 23/00988/FUL | W/24/3345253 | Martlets, The Common, Chipperfield | Written Representations |
| | Date of Decision: | | 14/10/2024 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3345253 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The development proposed is the replacement of approved parking area to the side of the dwellings with new parking area to the front.</p> <p>The appellant has suggested that the exception set out in paragraph 154(c) of the Framework, which concerns the extension or alteration of a building may apply. However, overall, the proposed introduction of three car parking spaces would not involve the extension or alteration of a building. Rather, the creation of the parking area and associated works, including the cross-over would involve an engineering operation.</p> <p>As a result, it is necessary to consider whether the proposal would preserve openness. In spatial terms the creation of the three parking areas with a gravel finish in a crate grid system would result in the introduction of a development in the largely undeveloped front garden area which would reduce openness. Further, the removal of a section of the existing picket fence, the creation of a cross-over, the introduction of the parking area as well as the introduction of parked vehicles in the front garden area would visually impact the openness of the area. As a result, spatially and visually the introduction of the proposed development would cause significant harm to openness. I therefore find the proposal amounts to inappropriate development within the Green Belt which would cause significant harm to openness. Further, the proposal would conflict with the purposes of including land within the Green Belt.</p> <p>The introduction of the parking area and any associated parked vehicles to the front of the appeal property would unacceptably diminish the existing spacious appearance of the front garden which would harmfully impact the character and appearance of the area. Moreover, the proposal would result in the erosion of the important visual break between the appeal property and the existing parking area which again would unacceptably harm the existing character and appearance of the area and would neither preserve nor conserve the Chipperfield Conservation Area (CCA). It follows that the development would not preserve the significance of the CCA which is a designated heritage asset.</p> <p>I have also taken account of the fact that the existing approved parking area to the side of the appeal site would be replaced by the proposal. However, the existing area is tucked away to the side of the appeal property and is screened by close boarded fence and a gate. As a result, notwithstanding that the existing parking area is larger than proposed, the proposal would be in a much more visually prominent location and consequently the impact would be materially more harmful than the existing situation.</p> | | | |

| <p>I therefore conclude that the development would harm the character and appearance of the area and would fail to preserve and conserve the CCA.</p> <p>I have afforded some considerations weight as outlined above, including significant weight to the fall-back position. However, I have also ascribed substantial weight to the harm the proposal would have on the Green Belt and great weight to the harm the proposal would have on the Chipperfield Conservation Area. It follows that overall, the other considerations do not clearly outweigh the harm by reason of inappropriateness, and the other harm I have identified so as to amount to the very special circumstances required to justify the development.</p> | | | | |
|--|------------------------------|--------------|---|----------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 5 | 23/02835/FUL | W/24/3338670 | The Coach House, 2 And 4 Water End Road, Potten End | Written Representations |
| Date of Decision: | | | 15/10/2024 | |
| Link to full decision: | | | | |
| https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3338670 | | | | |
| Inspector's Key conclusions: | | | | |
| <p>The development proposed is the erection of 2no. detached car ports and ancillary works.</p> <p>The appeal site is located within the Green Belt. The proposal is for two car ports that would be located to the front of the existing dwellings and be physically detached. Having regard to case law the fact that the car ports would be physically separated from the main dwellings does not prevent them from being an extension. It is a matter of fact and degree in each case and for the appeal before me it is clear that the car ports would have a close relationship and be used in connection with the main dwellings, and I therefore find the proposed development would represent an extension of the dwellings.</p> <p>The proposed car ports are modest in size and would represent an increase in footprint by 15%. I note that they have been reduced in size from previous schemes and can store two cars, which would be proportionate with the modest size of the dwellings. For the above reasons, I conclude that the proposed development would not be inappropriate development in the Green Belt.</p> <p>The car ports would be located close to the front elevations of the dwellings; however, they would still be an obvious addition to the front which would be at odds with the prevailing open frontages that are character of the area. The closeness to the existing built form would also result in a cluttered frontage. Therefore, the car ports would be jarring features that would erode the open character and appearance of the area. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area.</p> | | | | |

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|--|---|--------------|---|----------------------------|
| 6 | 23/00413/FUL | W/23/3328678 | Land East of Cyrita, Hogpits Bottom, Flaunden | Written Representations |
| | Date of Decision: | | 15/10/2024 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3328678 | | | |
| | Inspector's Key conclusions: | | | |
| <p>The development proposed is erection of dwelling.</p> <p>The limited width of the plot for the majority of its length is incongruous with nearby developed plots which are generally wider and regular in shape. Although the proposed dwelling would be set in somewhat from the side boundaries, it would nonetheless occupy much of its width. While other properties in the locality also do this, the fact those plots are wider maintains the spacious character of the area. The narrow width of the plot would be made apparent by the proposed dwelling occupying much of its width despite being markedly smaller than the surrounding dwellings. The overall limited proportions of the proposed dwelling would also emphasise the contrast between the appeal proposal and the prevailing character of the surrounding area of much larger dwellings and plots. It would appear as a cramped addition in the street scene.</p> <p>The proposed dwelling would have a modern appearance with the large glazed front elevation and a triangular window at first floor level. At my site visit, I observed a number of different designs and appearances of dwellings. This included some with modern finishes and large expanses of glazing. The installation of the vehicular access would require the removal of some of the hedgerow. However, suitable landscaping along the front boundary could be secured by condition. Taken in isolation of the issues I have identified above, the design and scale of the proposal would be acceptable. However this is to be expected of well-designed development and would be neutral in my assessment.</p> <p>Given the above, I conclude that the proposal would have an adverse effect on the character and appearance of the area.</p> <p>I...cannot conclude that the proposed development would not have an adverse effect on the integrity of the SAC.</p> <p>The Council's officer report confirms that the proposal would be not inappropriate development in the Green Belt as it would constitute limited infilling in a village as set out in Paragraph 154 e) of the Framework and that there would not be an adverse effect on the openness or purposes of the Green Belt. I concur, rendering this neutral in my assessment.</p> <p>There is no indication before me of the extent of the Council's shortfall in the supply of housing land or the steps it is taking to address this. However, given the shortfall in supply, paragraph 11d of the Framework is engaged. My findings in respect of the SAC means that there are policies in the Framework</p> | | | | |

| | that provide a clear reason for refusing the development proposed. Therefore, under Paragraph 11d)i of the Framework, the proposal does not benefit from the presumption in favour of sustainable development. | | | |
|-----|---|--------------|--|----------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 7 | 22/02203/DRC | W/24/3342616 | Land to the Rear of 49-53 High Street, Northchurch | Written Representations |
| | Date of Decision: | | 23/10/2024 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3342616 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>[This appeal decision was conjoined with appeal W/24/3342617, which was part allowed].</p> <p>The application Ref 22/02203/DRC sought approval of details pursuant to condition No 9 (drainage scheme) of a planning permission Ref 20/02653/ROC.</p> <p>The lead local flood authority (LLFA) have clear reservations about the suitability of the proposed surface water drainage scheme. Concern has been expressed with regard to the calculations used to design the scheme. There is only very limited evidence before me to rebut these concerns, and does not address of the comments made by the LLFA. It is not clear to me how access to maintain the drainage system can be ensured given the extent which is located within the private amenity spaces of a number of the dwellings. The site also lies within a source protection zone. No measures are proposed to mitigate the effects of any pollutants that could enter the system. While the site is a low traffic road with low risk of pollution occurring, that does not mean there would be no risk. There would therefore be the risk of harm to the source protection zone.</p> <p>As a result, I cannot be certain that the surface water drainage scheme would ensure that flood risk would not be increased elsewhere. I therefore cannot be satisfied that the surface water drainage scheme would operate effectively.</p> <p>The application Ref 22/02419/DRC sought approval of details pursuant to condition Nos 6 (Phase one contamination report) and 11 (construction management plan) of planning permission Ref 20/02653/ROC.</p> <p>The appeal site was, at least in part, in use as a garage at the time of the original grant of planning permission. It is typically the case that such sites are likely to be contaminated, but not to the extent that it would be impossible for it to be remediated for residential use. I...conclude that condition 6 is an implementing condition which fundamental to the acceptability of the development. As such, an AA would be necessary before the details in it could be agreed.</p> <p>The site is in an area at medium risk of surface water flooding. This is an important consideration as it has the potential to affect not only the proposed</p> | | | |

| <p>development, but the safety of surrounding properties and their occupiers. This is not a peripheral matter in the planning process. It is not uncommon for overarching drainage strategies to form part of application documentation, with specific detail secured by condition. As referred to above, conditions should be considered in their entirety. I am therefore satisfied that condition 9 is an implementing condition and that it too is fundamental to the acceptability of the development.</p> <p>As pre-commencement condition, no.11 would be an implementing condition. However, it is not fundamental to the acceptability of the development, but rather ensures that the short term disruption caused during the construction phase of the scheme is mitigated. Consequently, an AA is not required with respect to condition 11. There is no dispute as to the content of the construction management plan. I have no reason to disagree with this, save for the reference to carrying out the development in accordance with the requirements of the contamination surveys as that is the subject of a separate condition. Subject to this caveat, there is no reason condition 11 could not be approved.</p> | | | | |
|--|------------------------------|--------------|--|----------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 8 | 23/01342/ROC | W/23/3334039 | Gable End, Sheethanger Lane, Hemel Hempstead | Written Representations |
| Date of Decision: | | | 23/10/2024 | |
| Link to full decision: | | | | |
| https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3334039 | | | | |
| Inspector's Key conclusions: | | | | |
| <p>The condition in dispute is No 1 which states that: The current gable end roof to Gable End shall be hipped in accordance with Drawing 9407-L-00-03 Rev.C within eighteen months of the date of this decision. The main issue is whether the condition is reasonable and necessary in the interests of protecting the openness of the Green Belt.</p> <p>The appellant states that the hipped roof results in a reduction in overall volume of the building of 4.7%. However, this is still a reduction in volume and overall bulk and mass of the building which reduces its prominence. Therefore, the proposal to retain the gable end roof would have a greater negative effect on the openness of the Green Belt.</p> <p>I am mindful of the planning history of the appeal site and the original planning permission. In this regard, without the additional control through condition 1, the removal of this element would not be ensured. As such, the harm that the existing roof causes to the openness of the Green Belt could remain for longer than necessary. The eighteen months allowed through the condition was a generous period of time to carry out the required works and I therefore consider that the condition was reasonable, and necessary in order for the Council to have additional control over the works. Overall, and having considered all other matters raised, I consider the condition is therefore reasonable and necessary in order to protect the openness of the Green Belt.</p> | | | | |

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|---|--------------|--|----------------------------|
| 9 | 23/02208/FUL | W/24/3341865 | Grove Farm, Puddephats Lane, Flamstead | Written Representations |
| | Date of Decision: | | 30/10/2024 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3341865 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The development proposed is part demolition and part conversion of existing building to create a dwelling with associated landscaping, and demolition of remaining farm building.</p> <p>The development would retain the general form of that part of the building to be converted. The works involved would alter its appearance given the use of render and introduction of extensive glazing to all four walls, where at present no windows exist. Timber cladding and a corrugated metal roof would not by themselves appear out of place in this rural setting. However, the proposed development would appear as a single two-storey house significantly removed from any other building in the area. In this rural setting it would be an incongruous feature and would fail to conserve and enhance the natural beauty of the Chilterns National Landscape. Details of materials could be controlled by imposition of suitably worded conditions if I was minded to allow the appeal. However, this would not be sufficient to overcome the harm identified. The removal of an existing open barn and...landscape improvements...would not be sufficient to offset the incongruous appearance of the proposal. The appeal proposal would be harmful to the character and appearance of the area.</p> <p>As the proposal would involve the small-scale reuse of a permanent, substantial building it would therefore accord with policies CS1 and CS7 of the CS, and the requirements of the Framework relating to rural housing. The appeal site is therefore an acceptable location for the proposed development.</p> <p>The appeal proposal would, on balance, make acceptable provision for the storage and collection of refuse and recycling.</p> <p>The council has a substantial shortfall in its supply of deliverable housing land. [This] add considerable weight to the benefit of delivering even a single new dwelling. However, great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes. This great weight outweighs the benefits that would arise from the appeal proposal in this instance.</p> | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 10 | 23/01041/FUL | W/24/3337359 | 32A Rucklers Lane, Kings Langley | Written Representations |
| | Date of Decision: | | 30/10/2024 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3337359 | | | |

| Inspector's Key conclusions: | |
|-------------------------------------|---|
| | <p>The development proposed is demolition of existing dwelling and outbuildings. Construction of one 2-bedroom and two 3-bedroom detached houses with associated circulation and landscaped areas.</p> <p>As the proposal is for 3 two-storey houses to replace a dormer bungalow and several single-storey outbuildings, I see no reason to disagree that there would be a greater impact on openness...it would therefore be inappropriate development.</p> <p>The appeal proposal comprises a single house on the Rucklers Lane frontage with 2 detached houses toward the rear of the site. These 2 houses would have flat roofs and in appearance would relate to the neighbouring commercial buildings rather than the houses facing onto Rucklers Lane. They would therefore be out of keeping with the character and appearance of the area, where houses on Rucklers Lane are of similar scale and form, even allowing for their varying detailed design.</p> <p>The proposed houses would be large, boxy buildings sited at the end of the gardens of neighbouring properties, and in this context would be incongruous in the area. The replacement dwelling at the front of the site would be of a size, scale and general appearance in keeping with the Rucklers Lane street scene. This element of the proposal would therefore be acceptable. Nonetheless, the proposed development would overall be harmful to the character and appearance of the area.</p> <p>The garden would be shallower than those of adjoining properties even at its maximum depth and the development would not otherwise meet any of the identified criteria for smaller gardens. This would result in a poor standard of accommodation for future occupiers that would be detrimental to their living conditions. The proposed development would fail to provide acceptable living conditions for future occupiers with regard to outdoor amenity space.</p> <p>The appeal proposal would not be harmful to the living conditions of neighbouring occupiers with regards to privacy.</p> <p>In this instance the appeal proposal includes the replacement planting of 6 trees within the rear gardens of the rearmost houses. The gardens would be large enough to accommodate suitable replacement planting, the details and long-term retention of which could be secured through suitably worded conditions if I were otherwise minded to allow the appeal. The appeal proposal would therefore be acceptable in regards to its effect on trees.</p> <p>The benefits associated with a development of this scale are limited but given the shortfall in housing land supply they attract moderate weight in favour of the proposal. This weight does not, however, clearly outweigh the harm by reason of inappropriateness and the other harm that would result from the appeal proposal. Very special circumstances do not therefore exist in this case.</p> |

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|---|--------------|---|-------------|
| 11 | 23/01827/FHA | D/24/3341233 | Kingfisher House, Sharpes Lane, Hemel Hempstead | Householder |
| | Date of Decision: | | 05/11/2024 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3341233 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The development is a timber outbuilding (retrospective).</p> <p>Whilst the Flood Risk Assessment should be appropriate to the scale, nature and location of the development, the information provided by the appellant does not provide any detailed assessment of the flood risk including whether the development is likely to be affected by current or future flooding from any source or whether it will increase the risk of flooding elsewhere. Nor does it provide any technical detail of the amount of surface water that may arise as a result of this and the development itself. As such, it is not possible to conclude whether the details of surface water drainage scheme would be adequate or suitable. Therefore, the level of detail that is required in order to meet the stated objectives of the FRA is inadequate.</p> <p>Therefore, it fails to accord with the Framework and is not acceptable from a flood risk perspective. It also fails to demonstrate compliance with Policy CS31 of the Dacorum Borough Core Strategy (2013) which seeks to avoid development within flood zones 2 and 3 unless for a compatible use and unless accompanied by an FRA which demonstrates that it is suitable and does not increase flood risk.</p> | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 12 | 24/00684/FHA | D/24/3347160 | Lower Farm End, Luton Road, Markyate | Householder |
| | Date of Decision: | | 05/11/2024 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3347160 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The development proposed is a single storey rear extension.</p> <p>The garage is a domestic structure and is, even at 11m away, close enough to be used as part of the normal residential use of the bungalow. It remains reasonable, and apparently consistent with previous decisions, to consider the garage as equivalent to an extension. I therefore count it as an enlargement of the original building for the purposes of Green Belt policy.</p> <p>The Council says that the garage has a floorspace of 72 sqm, which is already a considerable addition to the bungalow's 81 sqm. The appellant does not dispute these figures. In terms of its volume as well, the garage represents a sizeable increase to the built form of this small bungalow. The currently proposed rear extension would be a relatively small addition in itself, adding only about 24 sqm of floorspace. Nevertheless, when taken together with the</p> | | | |

| <p>garage the overall floorspace would be more than doubled. This would amount to a substantial and, I find, disproportionate addition over and above the size of the original building. The proposal therefore constitutes inappropriate development in the Green Belt.</p> <p>Its impact on openness would therefore arise only from the cumulative spatial increase in development on site. The proposed extension in itself would be of modest proportions. I find that the proposal would cause only very limited harm to the openness of the Green Belt.</p> <p>The proposal would neither harm nor enhance the character and appearance of the local countryside. This is a neutral factor in the overall balance.</p> <p>The very special circumstances required to justify inappropriate development in the Green Belt do not exist.</p> | | | | |
|---|------------------------------|--------------|---|-------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 13 | 24/00394/ADV | Z/24/3345830 | Berkhamsted Golf Club, The Common, Berkhamsted | Written Representations |
| Date of Decision: | | | 20/11/2024 | |
| Link to full decision: | | | | |
| | | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3345830 | |
| Inspector's Key conclusions: | | | | |
| <p>The advertisement is the installation of freestanding safety signs. The main issue is the impact on amenity.</p> <p>The existing signs are small, of low height and of discrete appearance, blending relatively successfully with their surroundings. However, the proposed signs would be considerably larger in size and height such that they would be overly prominent and of an inappropriately large scale given the particular quality and sensitivity of the area in which they would be located and the open and natural surroundings of the golf course.</p> <p>Furthermore, notwithstanding the extent and relatively wooded nature of the golf course, there would be a concentration of signs in certain parts of the course along the bridleways such that cumulatively, they would result in additional harm to the visual amenity of the wider area. As such the signs would be unsympathetic to the sensitive rural character and appearance of the area in which they would be sited.</p> <p>Whilst acknowledging that there is a need to enhance the visibility of the signs to improve the safety of non-golfers, the proposed signs would detract significantly from the rural character and appearance of the area. Overall, I find that the signs would have an unacceptably harmful effect on amenity.</p> | | | | |

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|---|---|--------------|------------------------------------|-------------------------|
| 14 | 23/01533/ROC | W/24/3341878 | Martlets, The Common, Chipperfield | Written Representations |
| | Date of Decision: | | 03/12/2024 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3341878 | | | |
| | Inspector's Key conclusions: | | | |
| <p>Planning Permission 20/00887/FUL was granted in September 2020 for the extension and conversion of the property, Martlets, into two dwellings. This appeal is in relation to the Council's refusal to grant consent made under application ref: 23/01533/ROC to vary Condition 2 of the original permission, which would substitute the approved plans with revised plans relating to the approved dormer windows on the side elevation of the building.</p> <p>The proposed amendments to the approved scheme would allow for two dormers with sash style windows within the flank roof slope, with taller sash style windows and dormers than originally approved.</p> <p>The proposed dormer windows would be set down from the main ridge, and like the dormers from the approved scheme their design with pitched roofs and glazing bars would be sympathetic to the host property. However, unlike the approved scheme, the windows within the taller dormers would not align with the head height of the other first floor windows along the elevation. Whilst there are larger windows at the rear of the building, the approved windows are more comparable in size and head height with the fenestration on the front and side elevations of the wider terrace. The uniformity of the terrace's fenestration is an attractive architectural feature within the street scene. The taller dormer windows would undermine the rhythm of the building's fenestration and detract from the host property. They would appear as over dominant and inharmonious and would not suitably respect the appearance of the host building.</p> <p>Although the proposed dormers would be on the side elevation of the property which is set back from the Common, the proposal would be visible from public vantage points, including the adjacent village hall. The taller dormer windows would be a prominent and visually jarring addition to the Non-designated Heritage Asset which would harm its character. On balance, I consider that they would cause modest harm to the significance of the NDHA and the positive contribution that it makes to the CA.</p> <p>Paragraph 208 of the Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development. Any benefits from the proposal would be private, and I have not been presented with any substantial evidence to indicate any public benefits that would arise from it. As such, I conclude that the proposal would fail to preserve or enhance the character or appearance of the CA and would harm the significance of the NDHA, thus failing to satisfy the requirements of the Act and the Framework.</p> | | | | |

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|--|---|--------------|--|-------------------------|
| 15 | 23/02194/FUL | W/24/3341128 | Silk Mill Industrial Estate, Brook Street, Tring | Written Representations |
| | Date of Decision: | | 04/12/2024 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3341128 | | | |
| | Inspector's Key conclusions: | | | |
| <p>The development proposed is described as the construction of a pair of semi-detached houses to the rear of the recently completed No.23-26 Brook Street, on land to the rear of the Old Silk Mill. Proposed development includes amenity space, private car parking, cycle and bin storage.</p> <p>The proposed development would comprise the construction of a pair of three storey dwellings, each with four bedrooms. In terms of appearance, they would be of a similar design and scale to the recently constructed terrace. However, unlike that development which is located in line with No.21 and 22, the proposed development would be highly visible from Brook Street. The proposed dwellings would also be constructed on a raised platform, which is an integral part of the design, due to flood risk concerns on this part of the site. The proposed design further differs in that it omits the chimney stacks, which are a positive feature of the area. Whilst I appreciate that this was intended to reduce the overall height of the proposed development, it would nevertheless, result in a design which does not relate well to its setting or surroundings.</p> <p>The site is also adjacent to some single storey buildings. The design of the proposed dwellings is such that they would, by virtue of their height and scale, fail to provide a suitable transition in height to these lower buildings. They would also be a highly prominent and discordant form of development when viewed from Brook Street and the tall, narrow design with its strong vertical emphasis would further highlight the height and scale of the buildings to the detriment of the character and appearance of the area. I find that the proposed development would cause unacceptable harm to the character and appearance of the area.</p> <p>The height and scale of the proposed development, which is three-storeys on top of a raised platform, would visually compete with the three storey parts The Silk Mill building. For these reasons, by virtue of its height and dominance the proposed development would cause harm to the significance of The Silk Mill and as a result fail to preserve its setting. Given the nature and extent of the proposed development, I find the harm to be less than substantial.</p> <p>The proposed development would provide two additional dwellings in a sustainable location close to the town centre with access to public transport and services. It would also utilise a brownfield site, formerly identified as an employment area, but currently vacant. There would also be some short-term economic benefits during construction, and through the longer-term use of local services and facilities. However, due to the small-scale nature of the development, these benefits would be modest. I find that the benefits of the</p> | | | | |

| <p>proposal...would be relatively modest...[and] do not outweigh the harm that would be caused to the significance of the listed building.</p> <p>The proposed development fail to provide the minimum amount of parking required, but it would also lead to a reduction in the provision of parking for the recently constructed development. During my site visit I observed that Brook Street is a busy main road, where there is existing demand for on-street parking, and I observed that vehicles parked within the highway cause an obstruction to the free-flow of traffic. Therefore, any reduction in off-street parking provision is likely to result in overspill onto the surrounding streets, where on-street parking provision is limited. I therefore find that it has not been demonstrated that the proposed development would provide adequate parking provision and prevent any adverse effects to highway safety.</p> <p>I find that the proposed gardens would fail achieve the minimum required depth, even if the landscaped bank is included within the measurement...I find that the proposed development would fail to provide adequate living conditions for future occupiers, with particular regard to the provision of private amenity space.</p> <p>I find that the proposed development would not cause an unacceptable loss of privacy, on balance, it has not been demonstrated that it would not cause unacceptable harm to the living conditions of the occupiers of Nos. 23-26, with particular regard to outlook and light.</p> <p>I find that the proposed development has not demonstrated that it would make adequate provision for landscaping, tree planting and biodiversity net gain.</p> <p>The Council has confirmed that it is unable to demonstrate a five-year supply of deliverable housing land. As I have found that the harm to the setting of a listed building would not be outweighed by the public benefits and that it has not been demonstrated that there would be no adverse effects to the integrity of a SAC, these provide a clear reason for refusing the proposal. Consequently, the presumption in favour of sustainable development as set out in Paragraph 11d) of the Framework does not apply.</p> | | | | |
|--|------------------------------|--------------|---|----------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 16 | 22/02688/LBC | Y/24/3349178 | Old Palace Lodge, 69A Langley Hill, Kings Langley | Written Representations |
| Date of Decision: | | | 10/12/2024 | |
| Link to full decision: | | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3349178 | |
| Inspector's Key conclusions: | | | | |
| <p>The works proposed are a second storey rear extension.</p> <p>The Oriel window would be lost. There are no confirmed details of where it might be replaced. In the absence of such confirmation, I treat this as the loss of important historic fabric which would erode the significance of the building. The tiles to the bottom part of the east wing rear roof and the bottom parts of</p> | | | | |

| <p>the internal rafters would be lost. Although likely original, this is to the late-19th/early-20th Century element of the building and the fabric is therefore of lesser value. This would, nevertheless, result in harm from loss of historic fabric, albeit limited. The appellant has offered to record the fabric of the building prior to its removal. This would be welcomed but would not overcome the harm caused by the loss of the fabric in the first place.</p> <p>The extension as proposed would have a flat roof and a combination of this, its height much closer to the historic eaves, and its footprint would make it unsympathetic and insufficiently subservient to the host building. The fenestration would include large windows to the rear elevation as well as the flat roof. It would therefore be clearly of modern appearance and style. This is not harmful in principle on a building where the legibility of extensions contributes positively to its significance. However, the use of a flat roof would be out of keeping with the sloped roofs to all other parts and ages of the building including to the other dwelling, removing this uniformity and would be an incongruous feature. The large windows would be an alien feature at first floor level, highly prominent and competing with and jarring against the relatively small, timber framed, historic windows to the remainder of the property, including the other dwelling, above ground floor level.</p> <p>the proposed works would harm the special architectural and historic interest of the Grade II listed building through the loss of the Oriel window and inadequate options for replacement, loss of roof tiles and rafters, unsympathetic scale and design, and incongruous flat roof and inappropriately large glazing. I assess the level of harm to be less than substantial. Because the building positively contributes to the character and appearance of the CA, the works would also fail to preserve or enhance the character or appearance of the CA. The level of harm is also less than substantial.</p> <p>The property is a relatively substantial house which does not require the proposed additional space for it to be viable in this use. The public benefit of the proposal is in providing a slightly larger home but this is very limited, if a benefit at all, because the existing home is already relatively large. In addition, there would be economic benefits from the purchase and use of construction materials, albeit on a limited scale. I place great weight on the harms to the significance of the listed building and the CA that I have identified, in accordance with Paragraph 205 of the Framework. The harms clearly outweigh the limited public benefits.</p> | | | | |
|---|------------------------------|--------------|--------------------------------------|----------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 17 | 23/01713/FUL | W/24/3345753 | 118 Hempstead Road, Kings Langley | Written Representations |
| Date of Decision: | | | 18/12/2024 | |
| Link to full decision: | | | | |
| https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3345753 | | | | |
| Inspector's Key conclusions: | | | | |
| The development proposed is a drop kerb new vehicle access. | | | | |

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| | <p>The boundary treatments along this section of road are a mix of hedges and trees which forms a pleasing break between the two settlements and gives the area a green and verdant character. This is in contrast to the more urbanised forms of development that exist along Hempstead Road further to the north and the south.</p> <p>The proposed vehicle access would result in the removal of many, if not all, of these trees along this frontage and replacement with a new vehicle access. This access would allow aspect towards the large driveway which is laid to hardstanding and, upon construction, the new dwelling which has previously been permitted on this site. This would erode the verdant charm of this particular stretch of road. Whilst these trees could be removed without the need for permission, there would be no incentive to do so without the desire for a new access. I find that the proposal would result in a harmful impact upon the character and appearance of the area due to the loss of trees and there being no scheme of replacement.</p> <p>The proposal would result in a second vehicle access being formed with Hempstead Road. This would result in multiple accesses to a single dwelling and create a second point of potential conflict with other vehicle traffic on this important 'A' road, despite adequate sight lines. This would be detrimental to highway safety. It seems unlikely that pedestrians would be using this side of the road leading to minimal chance of pedestrian and vehicle conflict. As such my concerns here hinge solely upon the second access providing an additional point of conflict between vehicles.</p> |
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6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 16 September 2024 and 31 December 2024.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|------------|---|------------------|------------------------------------|----------------------------|
| 1 | 24/00597/FHA | W/24/3343938 | 77 Gravel Lane, Hemel Hempstead | Written Representations |
| | Date of Decision: | | 20/09/2024 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3343938 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The condition in dispute is No 4 which states that: 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 render, other than that approved by this application and shown on drawing nos. 100/010 (Rev - 1), 100/012 shall be applied to the external walls of the dwelling.</p> <p>There is not a regular pattern of development relative to the highway, meaning the appeal property is not prominent in the street scene despite its position forward of its immediate neighbour. The garage conversion appears to have</p> | | | |

| <p>been carried out and the front ground floor elevation of the appeal property has been partially rendered. Given its light colour against the buff bricks, the application of the render has not made the dwelling appear any more prominent in the street scene. Nor does the appeal property appear unduly incongruous or harmful to the character and appearance of the area. The effect of allowing further render to be applied to this property would have a purely localised effect and would have a neutral effect on the character and appearance of the area.</p> <p>I find that the disputed condition is not reasonable or necessary in the interests of the character and appearance of the area.</p> | | | | |
|---|------------------------------|--------------|---|----------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 2 | 23/00662/MFA | W/24/3341434 | Land At Icknield Way and Sears Drive, Tring | Public Inquiry |
| Date of Decision: | | | 27/09/2024 | |
| Link to full decision: | | | | |
| https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3341434 | | | | |
| Inspector's Key conclusions: | | | | |
| <p>The development proposed is the erection of a Class E discount foodstore with associated car parking, landscaping, engineering and drainage works.</p> <p>During the course of the appeal the Appellant has sought specialist advice on the likelihood of the appeal site coming forward for the employment use. The employment report prepared concluded that the demand for the envisaged employment use had fallen and that an office led scheme would be unviable. This conclusion has been accepted by the Council. I do not seek to disagree with the contention that employment use on the appeal site in the form envisaged by the LA5 allocation would not have any reasonable prospect of being delivered. There is therefore no realistic fallback position of the appeal site being used for employment purposes notwithstanding the fact that some parties have suggested that this should be pursued.</p> <p>The Council acknowledges that there is no better location, in principle, within or around Tring for new retail development. There is acknowledgement that the development would not be harmful to the existing retail offer in the town and that there is both a quantitative and qualitative need for further retail opportunities. One of the main areas of concern for the Council on this issue relate to what it sees as poor accessibility by means of transport other than the private car.</p> <p>There can be little doubt that the store would be an attractive retail destination for residents of the Roman Park development. But of course there is a limit to which most people will be prepared to walk, especially if carrying a significant amount of goods. My own observations during my site visits indicated that there is a significant number of properties within a 10 to 15 minute walk of the appeal site. I am satisfied that the walking opportunities hereabouts are sufficiently attractive that a reasonable population of Tring would have access to the store on foot.</p> | | | | |

I would not expect cyclists to be visiting the store for bulk shopping: rather it would be likely that such trips would entail top-up shopping visits. In my judgement anyone wishing to cycle to the proposed store would be unlikely to be seeking to make a long journey (probably no more than a mile or two) and there are routes which would be safe in order to do so from the nearest residential areas. Because there are residential streets which give access to the site, and which are suitable for cycling, I do not consider that the lack of proposals to improve cycling infrastructure should weigh against the proposal. Taken in the round I am satisfied that the majority of people who would wish to cycle to the store are adequately catered for.

It is agreed that bus stops are in the vicinity of about 600m to 800m from the appeal site. These are located on Aylesbury Road and Miswell Lane. These distances make the use of bus services to reach the store relatively unattractive as discrete trips, especially for more than a top-up trip. Overall I am not satisfied that the existing bus services in the area (and there are no plans brought to my attention to alter the services) would be materially useful to the great majority of visitors to the proposed store.

There are therefore weaknesses in the opportunity to encourage and provide for travel to the appeal site by means other than the private car. Nonetheless this must be set against the Council's own views that the appeal site is the best sequentially available location for the expanded retail offer which is required in Tring. It is therefore unlikely that a more acceptable site would be found and brought forward. There is a hinterland of residential population which would no doubt walk or cycle to the store for a few items. But as with any retail store of this type, a bulky or weekly shop is more likely to rely on private transport in any event. With that in mind I turn to the question of car parking.

Whilst the provision of 99 spaces would impact upon the area available for landscape design (which I deal with later) I do not accept that it would be harmful in a wider context. The Council's suggestion that over providing car parking would simply encourage more car trips is not one to which I subscribe. A few extra spaces here would be largely immaterial to most people's journey planning. Of greater concern is the potential for a full car park to result in overspill parking on the surrounding streets. On balance I accept that there is sufficient evidence here to depart in the manner proposed from the SPD standard.

The proposal conforms with the objectives of the NPPF which seek to ensure that opportunities to promote sustainable transport modes have been taken up. This also accords with the principles of Policy CS8 in seeking to give priority to modes of transport other than the private car, and Policy CS12 in providing sufficient car parking. It cannot be realistic to expect that whatever opportunities are provided for other modes of transport many, probably most, people will not abandon car use when carrying out a large shopping expedition.

Some local residents are concerned that there would be a significant and detrimental change to highway conditions, especially in relation to the northern access to the Roman Park development. It is incontestable that traffic associated with a discount store would be of significantly greater magnitude in trip generation. The proposed development includes a widened section of Sears Drive so that there would be 2 lanes for a distance leading to Icknield Way. This would no doubt ease traffic movements as they leave Sears Drive. In any event the traffic count information provided indicates that the junction would operate well within its capacity now and in the future. It seems unlikely that there would be any significant build up of traffic waiting to leave Sears Drive, and I am satisfied that it has been demonstrated that the junction would operate satisfactorily. I am satisfied that the proposed store would not add unacceptably to highway safety concerns and would not have a severe residual cumulative effect on capacity.

The comings and goings associated with the traffic noted in the previous issue are of concern to the Council and local people in relation to the living conditions of the residents closest to the appeal site.

I do accept that residents would be bound to be aware of increased activity. Whether that activity would lead to unwanted sound in the form of noise disturbance has not been substantiated by the Council or others. The expert evidence provided all points to sound levels associated with the proposed development being of a low impact and, essentially, being absorbed into the existing background acoustic environment without unacceptable consequences. This does not mean an occasional individual noise event would go unnoticed, but that any such events would not cause material harm to residential amenities.

With particular regard to reversing alarms on delivery vehicles, these would only be expected to be activated when the vehicle begins its manoeuvre towards the unloading dock on the eastern part of the site. This is the furthest part of the land from Sears Drive to the west and shielded by the proposed building itself. The buildings to the south would also be shielded by the store building, but also by the proposed acoustic fencing. I would not, therefore, expect these alarms to cause unacceptable disturbance.

In the light of all these matters it is my judgement that the proposed development would not cause unacceptable disturbance by reason of noise. The extra comings and goings would be noticeable, but these would not be likely, in themselves, to cause loss of privacy or loss of general amenity at the nearest dwellings on Sears Drive.

The proposal as set out would not be seeking to replicate residential properties, but would pay some heed to them in its height and use of materials common to the area. The extent of glazing to the northern elevation would not detract from the character of the area, but would add a degree of interest in the transition between the housing area and the industrial estate to the east. It is my judgement that the proposed development would introduce a building which would be appropriate in its location, offering a transition between

| <p>residential and industrial uses. It would not add unacceptably to the lighting environment during hours of darkness and would be capable of being suitably landscaped. The impact on the character and appearance of the locality would be acceptable.</p> <p>The Council accepts that there would be no adverse impact on the National Landscape and that is a position with which I agree.</p> <p>Some members of the community are concerned that the proposed store would constrain the ability of existing stores in the town centre to compete and thrive. However that is not a matter which is of concern to the Council, and it is a matter of agreement between the main parties that the retail impact on Tring would not be harmful. There is no suggestion that the vitality and viability of the town centre would be harmed.</p> <p>Taking all matters into consideration it is clear to me that the proposed development is in accordance with the development plan taken as a whole, and accords with the principles set out in the NPPF. The tilted balance is engaged here and planning permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits. That has not been shown to be the case, and therefore planning permission should be granted.</p> | | | | |
|--|------------------------------|--------------|---|-------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 3 | 23/01804/RET | W/24/3341794 | Land Adj to Fir Croft/Alexandra Road, Chipperfield | Written Representations |
| Date of Decision: | | | 03/10/2024 | |
| Link to full decision: | | | | |
| | | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3341794 | |
| Inspector's Key conclusions: | | | | |
| <p>The development proposed is the erection of a 1.52 metre high gate and associated hardstanding.</p> <p>In relation to the gate, the appellant is unable to rely on any of the exceptions contained in paragraph 154 of the Framework. Nor does it fit with any of the types of development that are permitted under policies CS5 and CS6 of the CS. The development is therefore inappropriate development in the Green Belt. It is common ground between the main parties that the modest hardstanding area does not amount to inappropriate development within the Green Belt. I agree.</p> <p>In spatial terms the in-filling of the gap would have an impact and even when open, the footprint of development on the appeal site would increase which would reduce openness. However, the gate fills the space between two existing close boarded fences that are higher than the development and given the configuration of the road the gate fits neatly into the gap that marks the end of the main part of Alexandra Road and the newly developed dwellings. It also appears subservient to the existing fence on either side. As a result,</p> | | | | |

| <p>spatially and visually the introduction of the gate with a height of 1.52 metres would cause limited harm to openness.</p> <p>I therefore find there would be limited harm to openness, but the development does not conflict with the purposes of including land within the Green Belt. As a result, overall, I find that the harm to the Green Belt by reason of inappropriateness and the loss of openness is limited. However, as required by the Framework, I still give substantial weight to that limited harm.</p> <p>As outlined above, the gate fills the space between two existing close boarded fences that are higher than the development. Given the configuration of the road the gate fits neatly into the gap that marks the end of the main part of Alexandra Road and the newly developed dwellings. Moreover, the development appears subservient to the existing fence on either side. The erected gate. It does not appear discordant or jarring in the streetscene but preserves the attractive streetscape and as it is set down from the existing close boarded fencing on either side, the scale of the development is appropriate. I therefore conclude that the development would not harm the character and appearance of the area and would preserve and conserve the setting of the Chipperfield Conservation Area.</p> <p>It is common ground that the appellant could erect a one metre gate in the same position under permitted development rights (the alternative development). Given that the appellant has already erected a gate in this position and has pursued this appeal, I am satisfied that there is a greater than a theoretical possibility that the alternative development might take place and will be implemented if this appeal is dismissed. I therefore do not agree with the Council who afforded the fallback position limited weight, but rather accord it substantial weight as a material consideration in making this decision.</p> <p>The limited harm I have identified to the Green Belt by reason of inappropriateness and the loss of openness are clearly outweighed by other considerations. Looking at the case as a whole, I consider that very special circumstances exist to justify the development.</p> | | | | |
|--|------------------------------|--------------|---|----------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 4 | 23/00423/DPA | W/23/3334029 | Site of 1-31 Nightingale Walk, Hemel Hempstead | Written Representations |
| Date of Decision: | | | 07/10/2024 | |
| Link to full decision: | | | | |
| | | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3334029 | |
| Inspector's Key conclusions: | | | | |
| <p>The development proposed is construction of one additional storey of new dwellinghouses above 1-12 and 26-31 Nightingale Walk to provide 6 new residential units (Class C3).</p> <p>The height of the building would increase by a storey. However, due to the lower ground levels of the appeal site and its generally spacious setting, the additional storey would not result in the building appearing unduly prominent</p> | | | | |

| <p>or otherwise visually intrusive in the street scene. The proposal would replicate the existing regular fenestration pattern and roof profile. Materials would match the existing and this could be secured by condition. The proposal would therefore integrate well with the external appearance of the existing building. For the reasons above, I consider the external appearance of the building would be acceptable.</p> <p>Neighbouring properties in the adjacent block would largely have oblique views of the additional storey. Given the proportions of the windows, the changed outlook would not be materially different from that at present which would include the mass of the existing property. There would not be a material loss of outlook from the neighbouring flats. There would be an increase in the sense of enclosure to those properties on the ground floor which have direct access to the external amenity space. However, these areas are enclosed significantly by the existing three storey building. The increased height of the block would not be materially harmful at ground floor level in this context. There would be an increase in overlooking from the new dwellings to be formed. However there would not be any new relationship of overlooking to the surrounding residential properties and the effect would be neutral. I conclude that the impact of the proposal on the amenity of existing neighbouring properties in relation to outlook, overlooking, privacy and loss of light would be limited and acceptable.</p> <p>The proposal shows an extended and reconfigured car park arrangement. This would provide an additional 7 parking spaces and allocate two disabled parking spaces. Given the location of the site within the built up area of Hemel Hempstead, this would be sufficient to meet the need generated by the proposed development.</p> | | | | |
|--|--------------|--------------|---|-------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 5 | 23/00974/FUL | W/23/3333363 | Land Between 26 and Collins Bridge, Station Road, Berkhamsted | Written Representations |
| Date of Decision: | | | 14/10/2024 | |
| Link to full decision: | | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3333363 | |
| Inspector's Key conclusions: | | | | |
| <p>The development proposed is a detached dwelling house.</p> <p>The proposal would result in the loss of some vegetation and would introduce a further building onto the north-west, low density, side of Station Road. Nevertheless, there would be space between the buildings ensuring that the contrast with the high-density form of development on the south-west side would remain. The trees adjoining the railway line would continue to be visible in the gaps between, and above, the appeal proposal and the adjoining recently constructed dwellings following approval on appeal. Furthermore, the depth of the proposed rear garden would be comparable to the older cottages as well as the new dwellings. As such, it would not be seen as over development either on its own or in combination with the two, new dwellings.</p> | | | | |

| <p>Additionally, the scale, form, window proportions, eaves height, roof pitch and chimney detail of the appeal proposal reflect some of the 19th century dwellings on Station Road. Consequently, the appeal proposal would not look out of character with the wider area or incongruous in this context. For the above reasons, the proposal would not harm the character and appearance of the area, including the Berkhamsted Conservation Area.</p> <p>As the occupants of the dwellings in the vicinity of the site rely on on-street parking, it is reasonable to consider that such a high level of parking is typical. The proposed access, which has been constructed, would result in the loss of one parking space that is currently available for general use. Nonetheless, whilst there are existing parking pressures, such a loss of on-street provision, even in combination with that arising from the adjoining development, is relatively small in the context of the overall supply and availability in the area. I therefore find that the residual cumulative impacts of the proposal on the road network would not be severe.</p> <p>Whilst I acknowledge that the parking which takes place on Station Road restricts it to a single carriageway width, there is no compelling evidence before me to suggest that the proposed parking and access could not be used in a safe manner. In reaching this conclusion I have had regard to the absence of objection from the Highways Authority. I find that the proposal would not have a harmful effect on highway safety and would not result in an unacceptable loss of informal parking.</p> <p>The appeal is supported by a planning obligation in the form of a signed and certified unilateral undertaking, dated 9 May 2024, made pursuant to section 106 of the Town and Country Planning Act 1990 (the UU), which undertakes to make the required SAMMS and SANG contributions. The proposal would not harm the integrity of the SAC.</p> | | | | |
|---|------------------------------|--------------|---|-------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 6 | 22/02419/DRC | W/24/3342617 | Storage Land Rear of 49 High Street, Northchurch | Written Representations |
| Date of Decision: | | | 23/10/2024 | |
| Link to full decision: | | | | |
| | | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3342617 | |
| Inspector's Key conclusions: | | | | |
| This appeal was <u>part allowed</u> and was also conjoined with appeal W/24/3342616 – see dismissed appeal no.7 above for details. | | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 7 | 24/00462/RET | Z/24/3346204 | M&S, Unit 1, 300 High Street, Berkhamsted | Written Representations |
| Date of Decision: | | | 20/11/2024 | |
| Link to full decision: | | | | |
| | | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3346204 | |
| Inspector's Key conclusions: | | | | |

| <p>The advertisement is installation of 2 no. external vinyls on front facade. The main issue is the impact on amenity.</p> <p>The vinyl advertisements have already been applied to the ground floor front windows which are located towards the southern end of the building frontage, adjacent to the entrance. These extend across the whole of the two panes and to a height of around 2.8 metres down to ground level.</p> <p>Whilst the advertisements are larger than the majority that currently exist within the immediate environs of the appeal site, there are existing vinyl signs applied to the large glazed panes of the adjoining modern premises as well as lettering applied to the ground floor windows of the office premises opposite the site. In any event, given the scale of the host building, its modern appearance and that the majority of the ground floor windows would remain clear glazing allowing views into the shop, the signs do not appear incongruous nor do they dominate the front elevation of the building. In terms of the wider street scene, the set-back position of the building ensures that the signs are not overly prominent. As such they do not detract from the wider conservation area or the general street scene.</p> <p>The adjoining listed building is set forward of the building on the appeal site such that its significance can be appreciated within the street scene. The advertisement is not seen directly adjacent to this building as there is a brick panel along the front elevation separating them, though in more distant views from the north of the site they are seen together within the same view. However, given the relative position of the buildings, the signs recede in this view and despite their size do not dominate or appear as unduly prominent or detracting features within the setting of the adjoining listed building.</p> <p>Overall, having regard to all the above factors, I find that the signs do not have an unacceptably harmful effect on amenity.</p> | | | | |
|--|------------------------------|--------------|---|----------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 8 | 23/02341/FUL | W/24/3343381 | 1 Langdale Cottages, Station Road, Long Marston | Written Representations |
| Date of Decision: | | | 10/09/2024 | |
| Link to full decision: | | | | |
| https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3343381 | | | | |
| Inspector's Key conclusions: | | | | |
| <p>The development proposed is Demolition of stable building and concrete apron together with ancillary office. Construction of detached house, amenity space, hard and soft landscaping, cycle parking, bin storage together with associated parking spaces.</p> <p>The proposed dwelling would be a large single storey detached house with associated parking and amenity areas. Although single storey the height of the roof would be close to (but not higher than) that of Langdale Cottages. However, as the site is set back and well screened from station road and grouped with adjacent dwellings, the degree of change at the scale of the</p> | | | | |

| <p>street scene would be minor and therefore detract little from the character and appearance of the surrounding countryside.</p> <p>Long Marston contains important services and facilities which need to be maintained. Whilst the appeal site is separated from that village, that is by a plainly cyclable or walkable distance of well under one mile albeit the intervening road lacks a pathway. For that reason I do not consider the proposed dwelling, given its grouping with other dwellings and proximity to Long Marston would be either isolated or an example of sporadic development.</p> <p>It is not disputed that the Council are unable to demonstrate a Framework-compliant Housing Land Supply, and whilst it is not before me to determine the scope of such deficiency, both parties indicate 'less than 2.5 years' which would attach significant weight to the benefit of even a single dwelling.</p> <p>The proposal would contribute only a single dwelling to the Council's deficient housing land supply, however in the circumstances described this modest benefit attracts significant weight. Having regard to the provisions which address the withdrawn refusal reasons including the appellant's Unilateral Undertaking dated 24 April 2024, and the Management Plan, I have concluded that adverse impacts are also limited and thereby do not significantly and demonstrably outweigh even this small benefit. Consequently the appeal should succeed, subject to appropriate conditions.</p> | | | | |
|---|------------------------------|--------------|---|-------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 9 | 24/00175/RET | W/24/3345676 | Hicks Road, Markyate | Written Representations |
| Date of Decision: | | | 10/12/2024 | |
| Link to full decision: | | | | |
| | | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3345676 | |
| Inspector's Key conclusions: | | | | |
| <p>The development is described as change of use to store scaffolding.</p> <p>DLP Policy 10 sets out that temporary uses will be permitted provided that they are compatible with the character of the surrounding area; and that they would not prejudice the achievement of any specific proposal in the plan or any other appropriate use of the site. The Council accepts that the scheme complies with the second tranche of that policy. Given the nature of this storage use, I agree that it would not prejudice the land coming forward for housing in the future.</p> <p>The use of this site for the storage of scaffolding is not at odds with the diverse character of the surrounding area. The hoarding largely screens the activities taking place on the site from most public views. Consequently, neither the monoflex screening, nor the use for the storage of scaffolding, have had a significantly harmful impact on the appearance of the area.</p> <p>The site utilises an access from the A5183, which can be busy and congested. However, highway visibility in each direction from the access is good, and I have no cogent reason to doubt that the use generates a limited number of</p> | | | | |

| | |
|--|---|
| | <p>vehicular movements, principally from two flatbed trucks. Whilst such vehicles are slow moving, they are also large and easily seen; and there is space within the site for the parking of vehicles.</p> <p>A few local residents have expressed concerns regarding noise emissions. However, given the presence of other nearby commercial uses, and that some representations refer to a proposed use, or a use that was only briefly operating earlier in the year when I understand that it has been operating throughout, it is not clear to me that any such disturbance has arisen as a result of this use on this site. The Council's Environmental Health Team also raised no objections on the grounds of noise emissions.</p> |
|--|---|

6.4 PLANNING APPEALS WITHDRAWN / INVALID

Planning appeals withdrawn between 16 September 2024 and 31 December 2024.

None.

6.5 ENFORCEMENT NOTICE APPEALS LODGED

Enforcement Notice appeals lodged between 16 September 2024 and 31 December 2024.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|------------|--------------------------------|------------------|--|-------------------------|
| 1 | E/24/00053/LBG | F/24/3352829 | 16 High Street, Hemel Hempstead | Written Representations |
| 2 | E/20/00157/NAP | C/24/3352778 | Plot 1 Cupid Green Lane, Hemel Hempstead | Written Representations |

6.6 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 16 September 2024 and 31 December 2024.

None.

6.7 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 16 September 2024 and 31 December 2024.

None.

6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 16 September 2024 and 31 December 2024.

None.

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

| APPEALS LODGED IN 2024 | |
|-------------------------------|----|
| PLANNING APPEALS LODGED | 78 |
| ENFORCEMENT APPEALS LODGED | 7 |
| TOTAL APPEALS LODGED | 71 |

| APPEALS DECIDED IN 2024 (excl. invalid appeals) | TOTAL | % |
|--|--------------|----------|
| TOTAL | 80 | 100 |
| APPEALS DISMISSED | 51 | 63.75 |
| APPEALS ALLOWED | 24 | 30 |
| APPEALS PART ALLOWED / PART DISMISSED | 1 | 1.25 |
| APPEALS WITHDRAWN | 4 | 5 |

| | TOTAL | % |
|---|--------------|----------|
| APPEALS DISMISSED IN 2024 | | |
| Total | 51 | 100 |
| Non-determination | 2 | 3.9 |
| Delegated | 46 | 90.2 |
| DMC decision with Officer recommendation | 1 | 2 |
| DMC decision contrary to Officer recommendation | 2 | 3.9 |

| APPEALS ALLOWED IN 2024 | TOTAL | % |
|---|--------------|----------|
| Total | 24 | 100 |
| Non-determination | 1 | 4.2 |
| Delegated | 19 | 79.2 |
| DMC decision with Officer recommendation | 0 | 0 |
| DMC decision contrary to Officer recommendation | 4 | 16.7 |

6.10 UPCOMING HEARINGS

| No. | DBC Ref. | PINS Ref. | Address | Date |
|-----|--------------|--------------|---|----------|
| 1 | 23/01138/FUL | W/24/3353398 | Ferrers Hill Farm, Pipers Lane, | 25.02.25 |
| 2 | 24/00330/MFA | W/24/3358032 | Haresfoot Farm, Chesham Road, Berkhamsted | tbc |
| 3 | 24/00781/FUL | W/24/3358181 | 1 Dale End, Box Lane, Hemel Hempstead | tbc |

6.11 UPCOMING INQUIRIES

| No. | DBC Ref. | PINS Ref. | Address | Date |
|-----|--------------|--------------|---|----------|
| 1 | 21/04508/MOA | W/24/3345435 | Land west of Leighton Buzzard Road, Hemel Hempstead | 05.02.25 |

6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 16 September 2024 and 31 December 2024.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|---|--------------|--|----------------------------|
| 1 | 23/00423/DPA | W/23/3334029 | Site of 1-31 Nightingale Walk, Hemel Hempstead | Written Representations |
| | Date of Decision: | | 07/10/2024 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3334029 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.</p> <p>The applicant contends that the Council has behaved unreasonably by failing to take into account their previous decision and submission in relation to the subsequent appeal. They also consider that the Council has failed to substantiate its reasons for refusal. In response, the Council contend that correct procedures were followed with respect to how the decision was taken.</p> | | | |

| <p>The PPG sets out examples of the types of behaviour that can give rise to a substantive award of costs. It is not an exhaustive list, but it is clear that Councils are expected to determine applications in a consistent manner and that consistent decisions should be taken where there has been no material change in circumstances.</p> <p>The Council does not dispute that it did not raise an objection to the previous proposal for two storeys to be sited above nos 1-12 and 26-31 Nightingale Walk. The Inspector's decision in that appeal was not issued until after the Council determined the application the subject of the appeal before me. However, the officer report clearly references the appeal, and the Council should have been aware of its own previous decision and stance at appeal. There is no substantive rationale in the Council's case to justify why it reached a different decision in this proposal, which furthermore is for a lesser scale of development than that previously proposed.</p> <p>The Council therefore acted unreasonably by refusing the application, failing to substantiate each reason for refusal and thereby preventing or delaying a development which clearly should have been permitted.</p> <p>It is also necessary for the applicant for costs to demonstrate that unreasonable behaviour has resulted in wasted expense in the appeal process. I am satisfied that the applicants have incurred the expense of employing professionals to give advice and then pursue the appeal.</p> <p>For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.</p> | | | | |
|---|------------------------------|--------------|---|----------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 2 | 23/02341/FUL | W/24/3343381 | 1 Langdale Cottages, Station Road, Long Marston | Written Representations |
| Date of Decision: | | | 28/11/2024 | |
| Link to full decision: | | | | |
| https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3343381 | | | | |
| Inspector's Key conclusions: | | | | |
| <p>The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.</p> <p>The applicant for costs points to the behaviour of the Council in failing to progress his application. The Council prepared a comprehensive recommendation report but did not issue a decision. They also acknowledge they failed to respond adequately from February 2024 until the date of the appeal confirming they could have written up their refusal 'in a more timely manner'. Whilst delay is not of itself unreasonable, the appellant suggests that some four months after submission, the Council decided to do nothing with the application and turned their attention elsewhere due to shortage of resources. In that regard I note that the applicant's contact log lists a significant number of emails from the applicant to the Council that are reported as having no reply.</p> | | | | |

The allegation (which is not disputed) that the Council expedited ‘in time’ applications ahead of those which had become ‘out of time’ – including the appealed proposal – indicates an approach to decision-taking which is entirely arbitrary and contrary to the guidance in the Framework that decisions on applications should be made as quickly as possible.

The Conclusion of the comprehensive draft delegated officer report paradoxically states that the ‘principle of a new dwelling on this PDL (was) acceptable’ but that the application site is ‘not located within a sustainable location’ leading to the third draft RFR. The reasoning here appears to be nothing more than a reflection of the Rural Areas policy CS7 at a time when the Council would be aware that such policy would likely be deemed out-of-date due to the deficient housing land supply position the Council found itself in.

In such circumstances the Framework clearly stipulates a presumption that permission should be granted ‘unless:.....’. Whilst the weight to be attached to benefits and harms in that ‘tilted balance’ is for the decision-taker, there is little evidence before me to suggest that the Council made attempts to actively address the presumptive and pro-active requirements set out in the Framework at paragraphs 11(d) and 38.

The concluding parts of the Council’s appeal statement (at 9.6) also indicate some difficulty on the part of the Council in accepting the significance of paragraph 11(d). They state that the appellant ‘has not set out what they consider the additional benefits...are’ and further; “The harm identified is considered to outweigh the limited benefits”. This is language which corresponds to the ordinary 38(6)8 balancing exercise and not that of the ‘presumption’ at Framework 11 d) ii which requires an aptly-named ‘tilt’ in that exercise. Taking all these factors into account it should be unsurprising that the appellant believed he had little choice but to submit the appeal as the alternative would have been a resubmission, with associated further cost and delay. Had the Council acted reasonably that would not have been necessary.

I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated in relation to the first refusal reason and that a full award of costs is justified.

6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 16 September 2024 and 31 December 2024.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|------------|-------------------------------|------------------|-------------------------------|-------------------------|
| 1 | 24/00484/FUL | W/24/3343926 | 16 Park Road, Hemel Hempstead | Written Representations |
| | Date of Decision: | | 07/10/2024 | |
| | Link to full decision: | | | |

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3343926>

Inspector's Key conclusions:

Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

Shortly before submitting the planning application subject of the appeal (ref 24/00484/FUL - the second application) the applicant submitted a comparable scheme, ref 24/00043/FUL (the first application). In their response to the first application the Highways Authority (HA), in their role as a consultee, did not state that the hardstanding had potential for use in support of sustainable transport modes, but they did do so in response to the second. There is no suggestion of a material change in policy or circumstances between times. The applicant seeks costs against the Council for following the advice of the HA.

In the first application the HA stated that their rights over the hardstanding would need to be extinguished if the development were approved, and that they would expect a footway to be maintained and confirmation be provided that a utilities chamber could be relocated before extinguishment would be approved. It also made clear that it would make an informed recommendation for the site only once these had been provided. As such, the HA were explicit in withholding their full assessment.

The second application included retention of a footway and confirmation regarding the utilities chamber. Accordingly, the HA made an informed recommendation, and found that the hardstanding had potential to support sustainable transport modes. This is in line with the approach it had set out and I see no evidence that this was unreasonable, therefore.

There is no suggestion of any specific or current intention on the part of the HA to make use of the hardstanding. Nevertheless, as per my determination of the appeal, the future use of it to support sustainable transport modes is feasible and the appeal proposal would frustrate that opportunity. The absence of a specific intention does not undermine the reason for refusal, and does not amount to unreasonable behaviour on the part of the Council, therefore.

I see no evidence that the Council's delegated report demonstrates a failure to objectively assess the advice of the HA in this issue. The relevant paragraph of the delegated report outlines the HA's position before, in a separate sentence, stating that the proposal would prevent future development of the site, contrary to the Transport Plan, thereby offering an assessment.

As per my determination of the appeal, facilities associated with sustainable transport modes are likely to be modest in size, and not erode the open character of the Close to an extent comparable to the appeal proposal. As such, there is no inherent contradiction in refusing the appeal scheme on grounds of character and appearance whilst also envisaging the provision of those facilities in future, and no evidence of unreasonable behaviour, therefore.

| |
|--|
| Unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted. |
|--|

6.14 FURTHER SUMMARY OF APPEALS IN 2024

| APPEALS LODGED IN 2024 | TOTAL | % OF TOTAL |
|--------------------------------|--------------|-------------------|
| HOUSEHOLDER | 21 | 26.9 |
| MINOR | 32 | 41 |
| MAJOR | 5 | 6.4 |
| LISTED BUILDING | 1 | 1.3 |
| CONDITIONS | 3 | 3.8 |
| TELECOMMUNICATIONS | 0 | 0 |
| TPO | 2 | 2.6 |
| ADVERTS | 2 | 2.6 |
| LAWFUL DEVELOPMENT CERTIFICATE | 4 | 5.1 |
| PRIOR APPROVAL | 1 | 1.3 |
| LEGAL AGREEMENT | 0 | 0 |
| ENFORCEMENT | 7 | 9 |
| TOTAL APPEALS LODGED | 78 | 100 |

| APPEALS DECIDED IN 2024 (excl. invalid appeals) | TOTAL | % |
|--|--------------|------------|
| HOUSEHOLDER | 20 | 25 |
| MINOR | 36 | 45 |
| MAJOR | 4 | 5 |
| LISTED BUILDING | 3 | 3.75 |
| CONDITIONS | 5 | 6.25 |
| TELECOMMUNICATIONS | 1 | 1.25 |
| LAWFUL DEVELOPMENT CERTIFICATE | 1 | 1.25 |
| ADVERTS | 2 | 2.5 |
| PRIOR APPROVAL | 2 | 2.5 |
| LEGAL AGREEMENT | 0 | 0 |
| PERMISSION IN PRINCIPLE | 0 | 0 |
| ENFORCEMENT | 6 | 7.5 |
| TOTAL APPEALS DECIDED | 80 | 100 |

| HOUSEHOLDER APPEALS DECIDED IN 2024 (excl. invalid appeals) | TOTAL | % |
|--|--------------|------------|
| DISMISSED | 14 | 70 |
| ALLOWED | 6 | 30 |
| PART ALLOWED / PART DISMISSED | 0 | 0 |
| WITHDRAWN | 0 | 0 |
| TOTAL HOUSEHOLDER APPEALS DECIDED | 20 | 100 |

| MINOR APPEALS DECIDED IN 2024 (excl. invalid appeals) | TOTAL | % |
|--|--------------|------------|
| DISMISSED | 27 | 75 |
| ALLOWED | 7 | 19.4 |
| PART ALLOWED / PART DISMISSED | 0 | 0 |
| WITHDRAWN | 2 | 5.5 |
| TOTAL MINOR APPEALS DECIDED | 36 | 100 |

| MAJOR APPEALS DECIDED IN 2024 (excl. invalid appeals) | TOTAL | % |
|--|--------------|------------|
| DISMISSED | 1 | 25 |
| ALLOWED | 3 | 75 |
| PART ALLOWED / PART DISMISSED | 0 | 0 |
| WITHDRAWN | 0 | 0 |
| TOTAL MAJOR APPEALS DECIDED | 4 | 100 |

| ENFORCEMENT APPEALS DECIDED IN 2024 (excl. invalid appeals) | TOTAL | % |
|--|--------------|------------|
| DISMISSED | 3 | 50 |
| ALLOWED | 2 | 33.3 |
| PART ALLOWED / PART DISMISSED | 0 | 0 |
| WITHDRAWN | 1 | 16.7 |
| TOTAL ENFORCEMENT APPEALS DECIDED | 6 | 100 |

| COSTS APPLICATIONS AGAINST COUNCIL* DECIDED IN 2024 | TOTAL | % |
|--|--------------|------------|
| REFUSED | 4 | 66.7 |
| PARTIALLY GRANTED | 0 | 0 |
| GRANTED | 2 | 33.3 |
| WITHDRAWN | 0 | 0 |
| TOTAL COSTS APPLICATIONS DECIDED | 6 | 100 |

*Council was successful in its own Costs application in one appeal.

6.15 COMPARISON OF APPEALS 2022 - 2024

| APPEALS LODGED 2022 - 2024 | 2022 | 2023 | 2024 |
|--|-------------|-------------|-------------|
| HOUSEHOLDER | 35 | 28 | 21 |
| MINOR | 23 | 29 | 32 |
| MAJOR | 2 | 2 | 5 |
| LISTED BUILDING | 1 | 2 | 1 |
| CONDITIONS | 3 | 2 | 3 |
| TELECOMMUNICATIONS | 1 | 2 | 0 |
| TPO | 0 | 0 | 2 |
| ADVERTS | 0 | 0 | 2 |
| LAWFUL DEVELOPMENT CERTIFICATE | 1 | 2 | 4 |
| PRIOR APPROVAL | 0 | 3 | 1 |
| PERMISSION IN PRINCIPLE | 1 | 0 | 0 |
| ENFORCEMENT | 3 | 14 | 7 |
| TOTAL APPEALS LODGED | 70 | 84 | 78 |
| TOTAL APPEALS LODGED excl. Enforcement | 67 | 70 | 71 |

| APPEALS DECIDED 2022 – 2024 (excl. invalid appeals) | 2022 | 2023 | 2024 |
|--|-------------|-------------|-------------|
| HOUSEHOLDER | 27 | 28 | 20 |
| MINOR | 37 | 22 | 36 |
| MAJOR | 2 | 2 | 4 |
| LISTED BUILDING | 2 | 1 | 3 |
| CONDITIONS | 3 | 3 | 5 |
| TELECOMMUNICATIONS | 0 | 2 | 1 |
| TPO | 0 | 0 | 0 |
| ADVERTS | 0 | 0 | 2 |
| LAWFUL DEVELOPMENT CERTIFICATE | 0 | 1 | 1 |
| PRIOR APPROVAL | 2 | 2 | 2 |
| PERMISSION IN PRINCIPLE | 0 | 1 | 0 |
| LEGAL AGREEMENT | 0 | 1 | 0 |
| ENFORCEMENT | 4 | 3 | 6 |
| TOTAL APPEALS LODGED | 77 | 66 | 80 |
| TOTAL APPEALS LODGED excl. Enforcement | 73 | 63 | 74 |

| HOUSEHOLDER APPEALS DECIDED 2022 - 2024 (excl. invalid appeals) | 2022 | 2023 | 2024 |
|--|-------------|-------------|-------------|
| % DISMISSED | 55.5 | 57.1 | 70 |
| % ALLOWED | 37 | 42.9 | 30 |
| % PART ALLOWED / PART DISMISSED | 3.7 | 0 | 0 |
| % WITHDRAWN | 3.7 | 0 | 0 |

| MINOR APPEALS DECIDED 2022 - 2024 (excl. invalid appeals) | 2022 | 2023 | 2024 |
|--|-------------|-------------|-------------|
| % DISMISSED | 86.5 | 81.8 | 75 |
| % ALLOWED | 8.1 | 13.6 | 19.4 |
| % PART ALLOWED / PART DISMISSED | 2.7 | 0 | 0 |
| % WITHDRAWN | 2.7 | 4.5 | 5.5 |

| MAJOR APPEALS DECIDED 2022 - 2024 (excl. invalid appeals) | 2022 | 2023 | 2024 |
|--|-------------|-------------|-------------|
| % DISMISSED | 100 | 100 | 25 |
| % ALLOWED | 0 | 0 | 75 |
| % PART ALLOWED / PART DISMISSED | 0 | 0 | 0 |
| % WITHDRAWN | 0 | 0 | 0 |

| ENFORCEMENT APPEALS DECIDED 2022 - 2024 (excl. invalid appeals) | 2022 | 2023 | 2024 |
|--|-------------|-------------|-------------|
| % DISMISSED | 75 | 66.6 | 50 |
| % ALLOWED | 25 | 33.3 | 33.3 |
| % PART ALLOWED / PART DISMISSED | 0 | 0 | 0 |
| % WITHDRAWN | 0 | 0 | 16.7 |

| COSTS APPLICATIONS AGAINST COUNCIL DECIDED 2022 - 2024 (excl. invalid appeals) | 2022 | 2023 | 2024 |
|---|-------------|-------------|-------------|
| % REFUSED | 100 | 62.5 | 66.7 |
| % PARTIALLY GRANTED | 0 | 25 | 0 |
| % GRANTED | 0 | 12.5 | 33.3 |
| % WITHDRAWN | 0 | 0 | 0 |

| | CASE REF. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES / FURTHER ACTION |
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PLANNING ENFORCEMENT FORMAL ACTION STATUS REPORT (January 2025)

| | | | | | | | | | | |
|---|------------|---|---|-----------|-----------|---------------------------|--|-----------|-----------------|---|
| 1 | E/06/00470 | Land at Hatches Croft, Bradden Lane, Gaddesden Row | Stationing of a mobile home for residential purposes on the land. | 12 Sep 08 | 20 Oct 09 | 20 Apr 10 | No | N/A | Not complied | Successful prosecution. 2019 planning permission implemented though approved replacement dwelling not yet built and mobile home remains. Case review required to decide if further action necessary. |
| 2 | E/14/00494 | Land at Hamberlins Farm, Hamberlins Lane, Northchurch | MCOU of land from agriculture to construction / vehicle / storage yard. | 11 May15 | 11 Jun 15 | 11 Dec 15 (for all steps) | Yes, appeal dismissed | 17 Dec 16 | Partly complied | All vehicles, materials, machinery have been removed. Works now taken place to remove bund. Need to consider Offence. |
| 3 | E/15/00301 | Land at Piggery Farm, Two Ponds Lane, Northchurch | MCOU of land from agriculture to non-agricultural storage yard; MCOU of building to private motor vehicle storage; construction of raised hardsurface | 15 Jul 16 | 15 Aug 16 | 15 Feb 17 (for all steps) | Yes, appeal dismissed (other than use of building) | 25 Nov 17 | Partly complied | Most vehicles removed from the land. Visit confirmed that hard surfaced area has been removed, bund of material arising still on site awaiting removal. Planning granted: 1937/19. Further site visit needed to check material removed and to check compliance with conditions of permission. |
| 4 | E/18/00408 | 28 Boxwell Road, Berkhamsted | Demolition of wall and creation of parking area | 09 Sep 19 | 09 Oct 19 | 09 Dec 19 | Yes | 30 Jul 20 | Not complied | Appeal dismissed – Successful prosecution in Crown court 3 months given for compliance due December considering second prosecution for non compliance |

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Agenda Item 7

| | CASE REF. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES / FURTHER ACTION |
|---|-------------------|--|--|-------------|----------------|-----------------|----------------------|---------------------|-----------------|--|
| 5 | E/20/00023/MU LTI | Haresfoot Farm, Chesham Road, Berkhamsted | Construction of unauthorised buildings, hard surfaces and importation and processing of waste materials. | 19 Feb 20 | 20 Mar 20 | | Yes / split decision | 18 Dec 21 | Not complied | Appeal decision split, planning permission granted for a number of buildings and uses on the site, enforcement notice upheld in relation to some matters. Planning permission granted March 2022 for storage, salvage, re-cycling under 21/04629/FUL subject to condition. Case review carried out and found enforcement notice where upheld at appeal has not been complied with. Discussions underway with new owners as to how to secure compliance but also guide new appropriate development. |
| 6 | E/20/00249/LB G | 57 St Johns Road, Hemel Hempstead | Installation of UPVC windows in listed building. | 25 Sep 20 | 27 Oct 20 | 27 Oct 23 | Yes / dismissed | 26 May 24 | n/a | Appeal submitted – appeal dismissed, notice upheld.- steps being taken for compliance |
| 7 | E/20/00101/NP P | 121 High Street, Markyate | Installation of extraction system and flue on listed building. | 05 Oct 20 | 02 Nov 20 | 02 March 21 | Yes / dismissed | 10 Sep 21 | Not complied | Appeal submitted – appeal dismissed – new compliance date 10 September 2021. No compliance – need to consider next steps.in discussions with Legal for potential action |
| 8 | E/21/00043/LB G | 121 High Street, Markyate | Internal works to create flats following refusal of listed building consents | 23 Jun 21 | 21 Jul 21 | 21 Oct 21 | No | | Partly complied | Listed building EN issued in relation to the works carried out inside the premises. Notice was not appealed and compliance required by 21 Oct 21. Works commenced have now ceased officers in discussions with Legal for potential action |
| 9 | E/22/00168/COL | Cupid Green Lane, South of Gaddesden Lane. | Storage of cars | 14 June | 15 Jul 22 | 15 Aug 22 | No | | Not complied | Witness Statements written. Legal options being pursued. Interviews |

| | CASE REF. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES / FURTHER ACTION |
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| | | | | | | | | | | under caution were not attended invited for further interview following legal advice. the further interview was not attended-to have follow up meeting with legal |
| 10 | E/21/00302/NP P | 45 Lawn Lane, Hemel Hempstead HP3 9HL | Use of outbuilding as independent dwelling | 25 Oct 22 | 25 Nov 22 | 25 Aug 23 | Yes/dismissed | 14 th April 2024 | | *Partial Compliance – Unauthorised use has ceased and enough facilities removed from the shed to stop any further independent dwelling use. – Case to be removed from list.* |
| 11 | E/19/00444/NA P | Land east side Cupid Green Lane, Hemel Hempstead | Without planning permission erection of buildings on land | 18 Nov 22 | 20 Dec 22 | 20 Jul 23 | Yes | 22 nd March 2024 | | Appeal Dismissed – notice upheld new compliance date |
| 12 | E/19/00444/NA P | Land east side Cupid Green Lane, Hemel Hempstead | 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 | 18 Nov 22 | 20 Dec 22 | 8 Apr 23 | Yes | 22 nd December 2024 | | Appeal Dismissed – Notice upheld new compliance date |
| 13 | E/22/00349/NP P | Berry Farm, Upper Bourne End Lane, Hemel Hempstead | Without Planning permission the siting of 3 steel clad containers and the erection of post and wire fencing | 16 Dec 22 | 30 Jan 23 | 30 Jul 23 | Yes | | Waiting appeal result | Appeal Statement in waiting decision |
| 14 | E/17/00254 | Zeera, 49 High Street, Bovington | Condition 2,3,7 and 8 of 4/00714/14/FUL | 16 Jan 23 | 16 Jan 23 | 16 Jul 23 | N/A | | N/A | outside compliance but submitted DRC |
| 15 | E/22/00130/NA P | Land Adjacent to 22 Brook Street, Tring | Breach of condition attached to appeal decision on 10 th September 2018 | 19/04/2023 | 19/04/2023 | 19/07/2023 | No | | N/A | application 23/02194/FUL refused – appeal valid 23/00069/REFU- appeal dismissed. |
| 16 | E/22/00280/NP P | Land at Abilea Meadows, Friendless Lane | Without Planning Permission, the siting a Shipping Container | 19/04/2023 | 31/05/23 | 30/11/2023 | Yes | | Waiting appeal result | Appeal Statement in waiting decision |
| 17 | E/22/00314/CO B | 86 Chipperfield Road, Kings Langley, WD4 9JD | Without Planning Permission, the change of use of a building to a standalone dwelling | 27/04/2023 | 08/06/2023 | 08/01/2024 | Yes | | Waiting appeal result | Appeal Statement in waiting decision |
| 18 | E/23/00123/NP P | Land at Church Road, Little Gaddesden, Berkhamsted, Herts | Without planning permission, unauthorised | 27/04/2023 | 09/06/2023 | 09/10/2023 | Yes | | Waiting appeal result | Appeal Statement in waiting decision |

| | CASE REF. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES / FURTHER ACTION |
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| | | | erection of field shelter/building | | | | | | | |
| 19 | E/23/00096/NP P | 2 Bulstrode Close, Chipperfield, Kings Langley, Hertfordshire, WD4 9LT | Without planning permission, unauthorised insertion of a window on the first floor side elevation (western elevation). | 20.06.2023 | 01.08.2023 | 12/09/2023 | Yes | | Waiting appeal result | Appeal Statement in waiting decision |
| 20 | E/22/00179/CO B | Hillside View, Old Watling Street, Flamstead, St Albans, Hertfordshire, AL3 8HL | Without planning permission, the change of use of a residential outbuilding to a commercial dog grooming business | 04.09.23 | 16.10.23 | 16/12/2023 | Yes | | Waiting appeal result | Appeal Statement in waiting decision |
| 21 | E/22/00382/EN G | Land adj to Beechwood cottages | Relating to the material change of use Without Planning Permission, the change of use of the land for the display and sale of vehicles and the siting of a shipping container for use as an office. Relating to the Operational Development Facilitating the change of use Without Planning Permission, the installation of gates, fencing and the laying of hardstanding which facilitates this use. | 21.09.23 | 02.11.23 | 02/09/2024 | Yes | | | Appeal Statement Submitted waiting decision |
| 22 | E/23/00159/CO B | Land at 15 Yeomans Ride, Hemel Hempstead, HP2 6LG | Without Planning Permission, the change of use of a building to a stand alone dwelling. | 19.10.2023 | 30.11.2023 | 30.07.2024 | No | | | Partial Compliance – Unauthorised use has ceased and enough facilities removed from the shed to stop any further independent dwelling use. – Case to be removed from list. |
| 23 | E/20/00480/CO NSRV | 307 High Street, Hemel Hempstead | Without planning permission, the replacement of the first floor windows | 27.11.2023 | 08.01.2024 | 08.07.2024 | No | | | interview under caution had taken place – evident making steps for compliance with the notice |
| 24 | E/23/00016/NP P | (Plot O) Land at Cupid Green Lane | Without planning permission, unauthorised | 17.01.2024 | 29.02.2024 | 29.07.2024 | No | | | *Notice part complied – change of ownership, building company |

| CASE REF. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES / FURTHER ACTION |
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| | | | change of use from agriculture to 1) A change of use of land from agriculture to the storage of scaffolding and associated equipment. 2) Operational development consisting of the laying of a hard surface. | | | | | | occupies the land, made aware of the notice and that planning is required for builders yard use and development on the land* |
| 25 | E/23/00050/NP P | (Plot H) Land at Cupid Green Lane | Without planning permission, unauthorised change of use from agriculture to 1) A change of use of land from agriculture to the use for storage of a metal storage container, scaffolding including associated equipment and waste disposal/transfer. 2) Operational development consisting of the laying of a hard surface. | 17.01.2024 | 29.02.2024 | 29.07.2024 | No | | *Notice part complied – change of ownership plot in control is larger than in notice and different operations being carried out* |
| 26 | E/23/00319/CO L | Land at High Scrubs Woods, Kiln Lane, Hastoe | Without Planning Permission, the material change of use of the land to mixed use of forestry, residential and general storage and the siting of a caravan for use as general storage and the siting of a metal structure for seasonal residential use. | 05.02.2024 | 18.03.2024 | 18.01.2025 | No | | *Part compliance – trailer base remains this poses little harm as it can no longer be used as a independent dwelling. Case to be removed from list* |
| 27 | E/22/00182/EN G | 212 Cotterells, Hemel Hempstead, HP1 1JP | Without Planning Permission, the construction of an outbuilding, raised decked area and stairs. | 05.02.2024 | 18.03.2024 | 18.03.2025 | No | | *Partial compliance – the building has been removed however the base remains in situ – case to be removed from list* |
| 28 | E/21/00027/NA P | Nash House, Dickinson Square, Hemel Hempstead | Without Planning Permission, the material change of use of the basement to residential | 02/05/2024 | 13/06/2024 | 13/04/2025 | Yes | Waiting appeal result | *Appeal Statement in waiting decision* |

| | CASE REF. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES / FURTHER ACTION |
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| 29 | E/21/00256/NP P | Conifers, Rucklers Lane, KL | Without planning permission the installation of raised decking | 03/06/2024 | 15/07/2024 | 15/11/2024 | Yes | | Waiting appeal result | *Appeal Statement in waiting decision* |
| 30 | E/22/00173/NA P | The Promotional Centre, Church End, Markyate, St Albans, Hertfordshire, AL3 8PY | Without planning permission the installation of a raised platform and outbuilding | 17/06/2024 | 29/07/2024 | 29/02/2025 | Yes | | Waiting appeal result | *Appeal Statement in waiting decision* |
| 31 | E/18/00225 | Anthony Bett & Co, Leighton Buzzard Road, Water End, Hemel | Without Planning Permission the Material change of the use of the land for the display and sale of motor vehicles, the erection of a fence adjacent to a highway in excess of 1 metre and the laying of hard standing which facilitates the unauthorised use. | 02/07/2024 | 13/08/2024 | 13/05/2025 | Yes | | Waiting appeal result | *Appeal Statement in waiting decision* |
| 32 | E/24/00109/CO L | Plot U, Plot 1, Cupid Green Lane, Hemel Hempstead | Without planning permission, the erection of a timber framed building to facilitate the change of use of land from agricultural to storage of building materials | 02/07/24 | 13/08/24 | 13/11/2024 | No | | | *Notice not complied with – assess next formal step* |
| 33 | E/21/00117/NP P | Red Lion, London Road, Hemel Hempstead | Without Planning Permission the material change of the use of the land for the storage of waste, building materials, general rubbish domestic paraphernalia. Also the unauthorised erection of fencing in excess of 1m adjacent to the Highway which facilitates this use. | 18/07/2024 | 29/08/2024 | 29/02/2025 | No | | | Notice within compliance period |
| 34 | E/24/00151/NP P | Land adjacent to The Old Brickworks, Spring Garden Lane, Northchurch, Berkhamsted, HP4 3GY | Without planning permission, the erection of 2.1 metre high palisade fencing along the south-western boundary on Two Ponds Lane, and erection of 2.5 metre high palisade fencing and gates (to enclose new vehicular access) adjacent to the southeastern boundary on | 22/07/2024 | 02/09/2024 | 02/03/2025 | Yes | | Waiting appeal result | *Appeal Statement in waiting decision* |

| CASE REF. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES / FURTHER ACTION |
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| | | | the corner of Spring Garden Lane and Two Ponds Lane; engineering works incorporating excavation of, and laying of hardcore on the land, and creation of new hardcore laid area in the eastern part of the land. | | | | | | |
| 35 | E/24/0053/LBG | 16 High Street, Hemel Hempstead | Without planning permission or listed building consent attaching an illuminated advertising fascia, an illuminated projecting sign on the principal and side elevation. The painting of the side and principal elevation brickwork and window frames. The installation of an extraction flue and a refrigeration/conditioning unit on the side elevation. The installation of an extraction flue on the rear elevation and the installation of an extraction system through the fabric of the Listed Building. | 21/08/2024 | 02/10/2024 | 02/10/2025 | Yes | | Notice appealed – waiting start date |
| 36 | E/21/00377/NP P | Fairydell Farm, Rucklers Lane, Kings Langley | Without Planning Permission the erection of a stable block, laying of hardstanding and the erection of closed board fencing in excess of 1m adjacent to a highway. | 21/08/2024 | 02/10/2024 | 02/04/2026 | No | | Notice within compliance period |
| 37 | E/24/00171/LBG | 7B High Street Hemel Hempstead HP1 3AB | Without Listed Building consent the removal of lathe and plaster from an internal wall and the removal of part of the beam framework. | 21/08/2024 | 21/08/2024 | 21/08/2024 | No | | *Temporary Stop Notice Expired – notice to be removed from list* |
| 38 | E/23/00455/NP P | Rectory Farm, Kings Langley, WD4 8HT | Without planning permission, the retention of a metallic storage | 06/09/2024 | 11/10/2024 | 11/04/2025 | No | | Notice within compliance period |

| CASE REF. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES / FURTHER ACTION |
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| | | | container on field adjacent to the western side boundary of property at No. 18 Rectory Farm, to facilitate change of use of land to storage of non-agricultural materials | | | | | | |
| <u>39</u> | E/20/00157/NA P | Plot G, Cupid Green Lane, Hemel Hempstead, Hertfordshire | Change of use to a mixed use of agriculture/carpentry with the erection of a large chicken coop, large green house and a workshop principally used for carpentry business. | 23/09/2024 | 04/11/2024 | 04/06/2025 | Yes | | *Notice appealed – Questionnaire in* |
| <u>40</u> | E/24/00300/NA P | Land To Rear Of 38-40 Windmill Way Tring Hertfordshire HP23 4EH | Basement not in accordance with approved plans too large | 07/10/2024 | 07/10/2024 | 07/10/2024 | N/A | | *Temporary Stop Notice Expired – notice to be removed from list* |

The Following Cases are being added to the list for the first time

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| <u>41</u> | E/21/00346/NA P | 189 High Street, Berkhamsted | Failure to comply with planning application and listed building consent by the installation of non matching bricks and mortar. | 24/10/2024 | 05/12/2024 | 05/06/2025 | | | *Notice within compliance period* |
| <u>42</u> | E/24/00067/LB G | 33 High Street, Hemel Hempstead | Without listed building consent and advertisement consent the installation of a projecting illuminated sign | 24/10/2024 | 05/12/2024 | 05/04/2025 | | | *Notice within compliance period* |
| <u>43</u> | E/24/00202/LB G | 8, 8a, 8b and 8c Pickford Road, Markyate | Without planning permission or listed building consent the installation of two satellite dishes | 24/10/2024 | 05/12/2024 | 05/06/2025 | | | *Notice Complied with-case to be removed from list * |
| <u>44</u> | E/23/00433/BO C | The Moorings, Pix Farm Lane, HH | Breach of conditions 11 and 12 of 4/02061/18/MFA Condition 11: No construction works (excluding | 05/11/2024 | 05/11/2024 | 05/05/2025 | | | *Notice within compliance period* |

| | CASE REF. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES / FURTHER ACTION |
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| Page 209 | | | <p>demolition/groundworks/gr ound investigations or archaeological investigations) shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:</p> <ul style="list-style-type: none"> ● details for all external hard surfaces within the site, including roads, setts, brick edging, footpaths and car parking areas; ● means of enclosure; ● soft landscape works which shall include planting plans, replacement planting, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densiti es where appropriate; ● minor artefacts and structures | | | | | | | |
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| Page 210 | | | <p>(e.g. street furniture, bin stores, storage units, signs, etc.);</p> <ul style="list-style-type: none"> ● details on on-going management and maintenance of the open spaces, trees/vegetation, footpaths and other public amenities; and ● other surfacing materials. <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.</p> <p>Condition 12:</p> <p>A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens,</p> | | | | | | | |
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| CASE REF. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES / FURTHER ACTION |
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| | | | shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved. | | | | | | |
| 45 | E/23/00454/NA P | Gable End, 1 Threefields, Sheethanger Lane, Felden, Hemel Hempstead, HP3 0BJ | Dwelling not built in accordance with planning permission reference 21/00090/RET (retention of works to include the following: Use and extend the original walls, and use the original foundation slab, of the former garage and car port to create on the same site a two-storey hipped roofed end of terrace dwelling; change of use from agriculture to front hardstanding and rear garden.) | 25/11/24 | 06/01/25 | 06/07/2026 | | | *Notice within compliance period* |
| 46 | E/24/00387/BO C | Felden Lodge, Felden Lane, Hemel Hempstead, Hertfordshire, HP3 0BL | Commencement of construction works to implement planning permission reference 23/02973/MFA without discharging the 'prior to development' conditions pursuant to that permission | 23/12/2024 | 23/12/2024 | 17/02/2025 | | | *Notice within compliance period – Temporary stop notice will cease 17 th Feb 2025 and case will be removed from list* |