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# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 31 OCTOBER 2024 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](mailto:Member.support@dacorum.gov.uk)

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

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

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

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

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

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

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

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

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

5a	24/01239/MFA Change of use from agricultural land to Suitable Alternative Natural Green Space (SANG), together with a vehicular access, car park, paths, fencing and landscaping, Land, Nettleden Road, Potten End, Berkhamsted	(Pages 6 - 116)
5b	24/01740/MFA The demolition of existing structures and redevelopment for E(g)(iii) Industrial Processes, B2 General Industrial and B8 Storage and Distribution Uses (applied flexibly) with hard and soft landscaping, servicing and associated works.Hemel One, Boundary Way, Hemel Hempstead, Hertfordshire	(Pages 117 - 162)
5c	24/00504/FUL Construction of Agricultural Barn, Kiln Meadow, Chesham Road, Wigginton, Tring	(Pages 163 - 171)
5d	24/01768/FUL Detached four-bedroom dwelling in side garden to the west of no.22 Verney Close including rear garden and associated car parking.22 Verney Close, Berkhamsted, Hertfordshire, HP4 3JS	(Pages 172 - 191)
5e	24/01360/FHA Proposed part two-storey rear extension; loft conversion; new front porch; new windows and doors and extended terrace. Angle Place Cottage, Montague Road, Berkhamsted, Hertfordshire	(Pages 192 - 210)
5f	24/01797/FHA Single storey rear extension 24 Merling Croft, Northchurch, Berkhamsted, Hertfordshire	(Pages 211 - 219)
5g	24/00258/ADV Display of an illuminated fascia sign affixed to the front of the restaurant premises and projecting non illuminated sign.5 - 7 Lower Kings Road, Berkhamsted, Hertfordshire, HP4 2AE	(Pages 220 - 231)
<b>6</b>	<b>PLANNING ENFORCEMENT QUARTERLY REPORT</b>	(Pages 232 - 244)
<b>7</b>	<b>EXCLUSION OF THE PUBLIC</b>	

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the items in Part 2 of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that, if members of the public were present during those items, there would be disclosure to them of exempt information relating to the financial and business affairs of the Council and third party companies/organisations.

Local Government Act 1972, Schedule 12A, Part 1, Paragraphs 5

<b>8</b>	<b>RESPONSE TO NOTIFICATION OF APPEAL OF COUNCIL REFUSAL OF PLANNING PERMISSION</b>	(Pages 245 - 276)
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## INDEX TO PLANNING APPLICATIONS

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<b>5b.</b>	24/01740/MFA	The demolition of existing structures and redevelopment for E(g)(iii) Industrial Processes, B2 General Industrial and B8 Storage and Distribution Uses (applied flexibly) with hard and soft landscaping, servicing and associated works. Hemel One, Boundary Way, Hemel Hempstead, Hertfordshire	
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# Agenda Item 5a

ITEM NUMBER: 5a

24/01239/MFA	Change of use from agricultural land to Suitable Alternative Natural Green Space (SANG), together with a vehicular access, car park, paths, fencing and landscaping	
Site Address:	Land at Nettleden Road, Potten End, Berkhamsted, Hertfordshire	
Applicant/Agent:	c/o Agent	Mr Roger Smith
Case Officer:	Sally Robbins	
Parish/Ward:	Great Gaddesden Parish Council	Watling
Referral to Committee:	Call in by Ward Cllr & Contrary views of Parish Councils	

## 1. RECOMMENDATION

1.1 That the application be **delegated with a view to APPROVAL** subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 which secures, inter alia, the management and maintenance of the land as SANG for a minimum period of 80 years, and subject to the conditions set out below.

## 2. SUMMARY

2.1 The principle of the change of use of the land from agriculture to informal outdoor recreation is acceptable, both in terms of the Green Belt and the designated Rural Area, in accordance with Policies CS5 and CS7 of the Core Strategy. The development would have a negligible impact on Green Belt openness as the areas residing within the Green Belt would remain in a natural state and free from built form, other than minor features including stock-proof fencing and benches. Located within the designated Rural Area, the proposed new access and car park would have no significant impact on the character and appearance of the countryside, to accord with Policy CS7, subject to appropriate screening.

2.2 The grant of planning permission for this application would permit the above change of use but would not automatically result in the site constituting a SANG (Suitable Alternative Natural Greenspace). However, as the description includes reference to SANG, it is appropriate to consider whether the land is, in fact, capable of becoming a SANG. Following an assessment of the criteria set out in the Chiltern Beechwoods Mitigation Strategy, it is considered that the site is considered to be suitable and capable of becoming a SANG. Natural England are also in agreement that the site complies with the relevant criterion and is a good candidate for a SANG. The proposed level of parking is in accordance with Natural England Guidance and thus does not give rise to concerns.

2.3 The proposal would reduce the cumulative impacts of new development and reduce visitor pressure on a sensitive site, i.e. on the Chilterns Beechwoods Special Area of Conservation (SAC). Any limited and localised harm to the character and appearance of the countryside, the setting of nearby heritage assets and the Chilterns National Landscape by virtue of the urbanising effect of the new access and car park, would be outweighed by the benefits of the scheme including offsetting harm to the SAC and enabling the Council to deliver the required housing numbers within the Borough.

2.4 The Highway Authority are satisfied that the proposal will not have an unreasonable or severe impact on the safety and operation of the surrounding highway. The new access would require a section of the roadside hedge to be removed and relocated to allow for visibility splays, however the proposed amount of new hedging either side of the new access and across the wider site, in addition to new woodland and parkland planting, would deliver significant environmental, biodiversity and landscape gains. The proposed SANG would result in a high-quality open space

that is accessible to the public and would encourage the enjoyment of the Chilterns National Landscape.

2.5 As detailed in the following assessment, the proposed change of use from agricultural land to informal outdoor recreation, together with new access, car park, paths, fencing and landscaping is in accordance with Core Strategy Policies CS5, CS7, CS12, CS24, CS25 and CS27.

### **3. SITE DESCRIPTION**

3.1 The application site is located to the northeast of Potten End and comprises a 47.23-hectare area of open land that gently slopes downwards to the northeast. It is located on the western valley side of the River Gade. The site is bounded to the north by Nettleden Road, to the southeast by Potten End Hill and the western boundary is partly contiguous with a public right of way (Nettleden with Potten End footpath no. 007). The site is also intersected by a number of public rights of way, namely Great Gaddesden footpath nos. 062, 063, 064 and 067 and Nettleden with Potten End footpath no. 031.

3.2 The site resides wholly within the Chilterns National Landscape (formerly the Area of Outstanding Natural Beauty) and partially within the Metropolitan Green Belt, the designated Rural Area and Water End Conservation Area. There is an ancient woodland within the site known as Heizdin's Wood. There are listed buildings / structures in the vicinity, including the grade II listed bridge at Water End and grade II\* listed Moor Cottage on Potten End Hill.

3.3 It is noted that the area is covered by an Article 4 Direction, which restricts agricultural development, including construction of agricultural buildings and engineering operations.

### **4. PROPOSAL**

4.1 Planning permission is sought for a change of use from agriculture to Suitable Alternative Natural Greenspace (SANG), the construction of a new access, car park, paths, fencing and landscaping. The SANG would be delivered in two phases: the Phase 1 SANG area (28ha) can be delivered as a fully functioning SANG in its own right; and the Phase 2 SANG area (19.23ha) as an extension to deliver greater SANG capacity. The delivery of both phases would be secured by legal agreement.

4.2 Phase 1 involves the delivery of the eastern part of the SANG (28ha) and includes a new access and car park. Phase 1 would include a stock proof fencing enclosure to the Phase 1 area and kissing gates to facilitate access to the wider right of way network. A 2.3km circular route that both starts and finishes at the SANG car park is included in Phase 1. It would not be formally surfaced and would comprise of mown grass, resulting in a more naturalistic appearance.

4.3 Phase 2 involves the delivery of the western part of the SANG (19.23ha) and comprises the installation of stock-proof fencing and pedestrian kissing gates in the extended area. The circular SANG walk in the form of mown pathways would be extended in Phase 2.

4.4 The new access would be created off Potten End Hill as a simple priority junction, to the west of the junction with Willow Lane. The new vehicle crossover would be composed of bituminous macadam and access to the car park would be restricted by a height restriction barrier. A section of the existing hedgerow along Potten End Hill would be removed and replanted / transplanted behind the visibility splay.

4.5 The new car park would be located on lower ground to the east of the site and would provide 50 car parking spaces. The new car park hardstanding would be composed of a type 1 gravel surface with crushed granite dust and the car park would be enclosed by stock proof fencing surrounded by new landscaping.

4.6 The proposed SANG would include new hedgerows, grassland and new parkland-style tree planting in the east of the site. The creation of grassland would be via seeding rather than stripping or removal of soils and the new hedges and fences would reintroduce historic field boundaries. The proposal includes the installation of interpretation signage, waymarking signage and benches in key viewpoint locations.

## **5. BACKGROUND**

### *SANG and Interaction with Planning Permission*

5.1 Suitable Alternative Natural Greenspace, or “SANG”, is the term given to greenspaces that are created or enhanced with the specific purpose of absorbing recreation pressure that would otherwise occur at National Sites, such as Ashridge Commons and Woods SSSI. New SANGs can be created, or existing greenspaces enhanced to create a SANG, in order to absorb the level of additional recreation pressure associated with new development.

5.2 The grant of planning permission for this application would permit a change of use from agriculture to informal outdoor recreation, but would not automatically result in the site constituting a SANG. This is because whether the site is ultimately considered to be a SANG will depend on the outcome of an Appropriate Assessment carried out pursuant to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 in relation to whichever application(s) rely on it for mitigation.

5.3 Therefore, this application should be seen as an important first step in the site becoming a SANG for which housing developments can rely on for mitigation. Nonetheless, as the description includes reference to SANG, it is appropriate to consider whether the land is, in fact, capable of becoming a SANG. This will be addressed later in the report.

### *The Need for Private SANG in Dacorum*

5.4 There are currently two Council-led Strategic SANGs that provide mitigation capacity for developments within their catchments and which were instrumental in allowing a partial lifting of the moratorium on new housing that was in effect from March to November 2022. Since November 2022, qualifying developments have been able to avail of SANG capacity, enabling new housing to be approved.

5.5 The Council's SANG sites are located within the south and east of the borough. This, combined with the SANG catchment area, results in the Council not being able to offer its SANG capacity to developments of ten or more new homes in Berkhamsted, Tring or the west of the Borough.

5.6 The capacity of a SANG – i.e. the number of dwellings it can mitigate for - is directly proportional to its size. As the capacity of Council-led strategic SANG is finite, an allocations protocol has been instituted to ensure that a SANG solution is provided only to those developments where it is genuinely not possible for provision to take place on site, and in order to ensure a continual and predictable supply of new homes across the Borough. It is important to note that once Council-led strategic SANG capacity has been exhausted, new housing which does not provide its own SANG solution cannot be granted. This would disproportionately affect sites which, due to their limited size, would not be able to provide their own on-site SANG.

5.7 Consequently, the Council will need to bring more SANG sites online in order to provide a future supply for new homes. At present there are a total of four sites in Council ownership under consideration – i.e. Gadebridge Park, Margaret Lloyd Park, Howe Grove and an extension to Bunkers Park.

5.8 Until such point as the adverse impacts of recreational pressure on the Chiltern Beechwoods Special Area of Conservation are reversed, the Council will be continually required to identify and bring forward new SANG solutions. This is currently being done by utilising land already in the Council's ownership, but there will clearly come a point where there are no further suitable sites that can be upgraded and used for SANG; therefore, it is submitted that third party SANG solutions have an important and complementary role to play in the Development Management process.

5.9 Members recently resolved to grant planning permission for two private SANGs at Haresfoot Farm and Castle Hill, which were the first applications for developer-led SANG solutions in the Borough. This application is predicated on similar grounds – i.e. it would complement the Council-led SANG and enable new housing to be approved. The fact that one developer-led SANG has been approved does not render the capacity that would be created by this site surplus to requirement; rather, for the foreseeable future there will be a need for both new Council-led and developer-led SANG solutions if the Council is to provide the number of homes identified as necessary in the Borough.

5.10 The proposal would secure 47.07 hectares of SANG land that would mitigate up to 2,452 new dwellings within 5km of the site (on the basis of 52 dwellings per hectare). The SANG has been developed in consultation with Natural England and meets its SANG criteria as noted in the section on 'Suitability of Site for SANG' (below).

5.11 The allocation of SANG credits would remain within the control of the applicants. Irrespective of whether the credits are used by the applicant themselves or sold to third parties, they would reduce pressure on Council-led SANG and assist in facilitating a continual and predictable supply of new housing across the Borough.

## **6. PLANNING HISTORY**

Planning Applications: None

Appeals: None

## **7. CONSTRAINTS**

Advert Control: Advert Special Control

Ancient Woodland: Ancient & Semi-Natural Woodland

Area of Outstanding Natural Beauty: CAONB outside Dacorum

Article 4 Directions: Land at the South Side of Nettleden Road, Potten End

CIL Zone: CIL1

CIL Zone: CIL2

Conservation Area: WATER END

Former Land Use (Risk Zone)

Green Belt: Policy: CS5

Parish: Great Gaddesden CP

Parish: Nettleden with Potten End CP

Path Name: NETTLEDEN WITH POTTEN END 031

Path Name: NETTLEDEN WITH POTTEN END 007

Path Name: GREAT GADDESSEN 063

Path Name: GREAT GADDESSEN 064

Path Name: GREAT GADDESSEN 062

Path Name: GREAT GADDESSEN 067

Rural Area: Policy: CS7

Parking Standards: New Zone 3

EA Source Protection Zone: 2

EA Source Protection Zone: 3  
Wildlife Sites: Heizdins Wood

## **8. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **9. PLANNING POLICIES**

Main Documents:

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

Relevant Policies:

### Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 – The Green Belt  
CS7 – The Rural Area  
CS8 – Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS24 – The Chilterns Area of Outstanding Natural Beauty  
CS25 – Landscape Character  
CS26 – Green Infrastructure  
CS27 – Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS31 – Water Management  
CS32 – Air, Soil and Water Quality

### Local Plan

Policy 51 – Development and Transport Impacts  
Policy 54 – Highway Design  
Policy 55 – Traffic Management  
Policy 79 – Footpath Network  
Policy 80 – Bridleway Network  
Policy 97 – Chilterns Area of Outstanding Natural Beauty  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 101 – Tree and Woodland Management  
Policy 108 – High Quality Agricultural Land

### Supplementary Planning Guidance/Documents

Chiltern Beechwoods Mitigation Strategy  
Accessibility Zones for the Application of Car Parking Standards (2020)

Chilterns Area of Outstanding Natural Beauty Management Plan 2019 – 2024  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Landscape Character Assessment for Dacorum (2004)

## 10. CONSIDERATIONS

### Main Issues

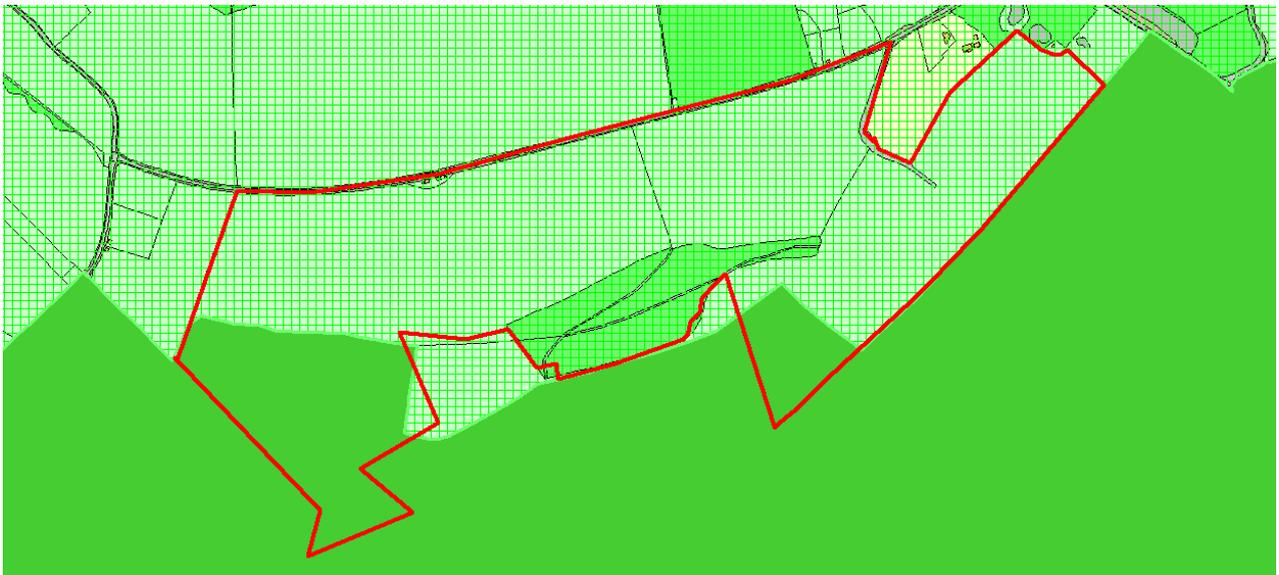
10.1 The main issues to consider are:

- Principle of Development
- Suitability of the Site as a SANG
- Impact on the Chilterns National Landscape
- Impact on Landscape Character
- Impact on the Significance of Heritage Assets
- Impact on Residential Amenity
- Impact on Highway Safety and Car Parking
- Impact on Ecology.

### Principle of Development

#### *Rural Area*

10.2 The majority of the application site lies within the Rural Area, wherein Core Strategy Policy CS7 states that countryside recreation uses are acceptable. Small-scale development will be permitted, e.g. for the above use, provided that it has no significant impact on the character and appearance of the countryside. See image below showing the application site outlined in red and location of Rural Area and Green Belt:



 Rural Area       Green Belt

10.3 The proposed access and car park would be located in the eastern area of the site, within the Rural Area. The submitted drawings show that the car park would be situated at the lowest point of the site, in close proximity to other man-made development - i.e. access roads and the group of dwellings that make up this part of Potten End Hill and Willows Lane – and surfaced in type 1

gravel with woodland planting around its perimeter. The new access would necessitate a section of existing roadside hedge to be removed, replanted and set further back to allow for the required visibility splays. Notwithstanding the proposed woodland planting and new hedge, the proposed car park and access would likely be visible from the surrounding countryside and from public footpath no. 64, particularly during the first few years whilst the newly planted vegetation and trees are growing and maturing.

10.4 The new vehicle crossover would be finished in tarmac and would measure 4.8m wide at the narrowest point. This element of the proposal is the most engineered, man-made feature, however it would only extend over the access itself, and not into the access road or car parking area. The car parking area would be finished in a gravel surface, which it is felt would have a more naturalistic appearance.

10.5 Overall, it is considered that the principle of an access and car park in this location is acceptable, subject to appropriate materials and screening. There would be no above-ground built structures and it is thus considered that spatially, the access and car park would have a limited impact on the character and appearance of the countryside. Visually, it is acknowledged that the presence of vehicles in the car park and increase in vehicle movements would have a localised impact. However, it is considered that the location of the new access and car park is logical well-sited in terms of the existing surrounding built environment and highway network. Furthermore, appropriate screening as outlined above would help the car park to assimilate into the surrounding countryside.

#### *Green Belt*

10.6 Part of the site resides within the Green Belt, wherein Core Strategy Policy CS5 applies. It states that small-scale development will be permitted and that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt. The relevant national Green Belt policies are contained within paragraphs 154 and 155 of the NPPF.

10.7 Paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, however one of the exceptions is 154 b), 'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation....' etc. Paragraph 155 states that certain other forms of development are not inappropriate in the Green Belt, including 155 e), 'material changes in the use of land (such as changes of use for outdoor sport or recreation...)' etc. The proviso for both of the above-listed exceptions is that the development preserves Green Belt openness and does not conflict with the purposes of including land within it.

10.8 The elements of the proposal that would be within the Green Belt are the new areas of tree planting / hedgerows, stock-proof fencing, kissing gates, the walking routes, benches, information boards and walking route signposts. The walking routes themselves would be mown grass, rather than hard surfacing. There would not be any new built form or engineering works within the Green Belt areas, thus it is considered that the main consideration with respect to the Green Belt is the change of use of the land.

10.9 The change of use from agricultural to informal outdoor recreation would likely result in an intensification of use of the site in terms of vehicular movements to and from the car park and walkers accessing the SANG. There are several existing public rights of way transecting the site and it is considered that any increase in activity from walkers would be absorbed into the existing use of the site by ramblers, dog-walkers etc. In terms of visual and spatial openness, there would not be any built structures or development within the Green Belt itself, other than the minor artefacts listed above. The land would retain its open character and appearance as a result of the change of use to outdoor recreation. Furthermore, all of the works proposed within the Green Belt are reversible and could be easily removed.

10.10 It is therefore considered that, in the context of the NPPF, the change of use of the land would have a negligible impact on Green Belt openness as the site would remain in a natural state, being generally free from development or built form and rural in character. Overall, the proposal would be appropriate development, would preserve openness and would not conflict with the purposes of including land within the Green Belt, to accord with paragraph 143 of the NPPF.

#### *Conclusion on Principle of Development*

10.11 The proposed SANG is acceptable in principle, both in relation to the Rural Area designation and the Green Belt.

#### Suitability of Site for SANG

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

10.13 The criteria have been set out below along with the case officer's view as to whether this has been complied with or not (green indicates compliance and red indicates non-compliance):

<b>SANG Feature</b>	<b>Criteria</b>	<b>Expected / Desirable</b>	<b>Comment</b>
<b>Paths</b>	A minimum circular walk of 2.3-2.5 kilometres to be provided.	Expected	<b>A circular walk of 2.3km is being provided.</b>
	Paths easily used and well maintained but mostly unsurfaced.	Expected	<b>The paths would comprise of mown grass, thereby providing an appropriate naturalistic aesthetic.</b>
	Where parking is provided, circular path should start and finish at that location.	Expected	<b>The circular path starts and finishes at the car park.</b>
	Paths should be safe, easily identifiable and kept clear of obstructions, such as scrub cover for example.	Expected	<b>The proposed paths will be kept clear of scrub cover as part of the ongoing management and maintenance, which are to be secured by way of condition and legal agreement. The proposed 2.3km route is out in the open for its entirety, with any tree and scrub located away to the boundaries.</b>
	Information boards and/or signage at access points outlining the layout of the site and routes available to visitors.	Desirable	<b>It has been indicated that information boards are to be provided.</b>
<b>Parking</b>	Parking, including for cyclists, to be provided on sites larger than four hectares, unless the site is solely intended for residents within 500 metres only	Expected	<b>A car park with capacity for 50 cars, as well as bicycle parking, is to be provided adjacent to Potten End Hill.</b>
	Parking areas are to be easily and safely accessible by car and to be clearly sign posted.	Expected	<b>The car park will be accessed from the existing highway network. No details of sign-posting are shown on the plans; however, this matter can be reserved by condition.</b>

	Visitor to be able to take dogs from the parking area to the site safely off the lead.	Desirable	The provision of dog-proof fencing around the edge of the site provides confidence that visitors can let their dog off the lead.
<b>Access</b>	Access points to be provided based on the intended visitors of the SANG.	Expected	The SANG will be accessible from the car park and surrounding public rights of way.
	Safe access route on foot from nearest car park and/or footpath	Expected	The entrance from the car park leads safely and directly into the SANG.
	Access should be unrestricted within the site, with plenty of space for dogs to exercise freely and safely off the lead.	Expected	The site will be fully enclosed thus allowing free access for dogs to be exercised off the lead.
<b>Character of Space</b>	Needs to be semi-natural, or perceived as such where close to existing development.	Expected	The site is predominantly undulating farmland (that would become grassland). The ancient woodland at Heizdin's Wood and the existing tree planting to the site boundaries provides interest. Supplementary planting would provide additional screening.
	If the site is larger than 12 hectares, a range of habitats should be present.	Expected	The site comprises Ancient Semi Natural Woodland. Additional planting includes the restoration of grassland meadows and historic hedgerows.
	No unnatural intrusions (e.g. odour from sewage treatment works, noise from busy roads).	Expected	The surrounding highway network is considered to be a very minor intrusion. The site already feels natural, and this would be enhanced by further planting.
	There should be little intrusion of built structures such as dwellings, buildings, fencing (not constructed using natural materials), etc.	Expected	There is some limited surrounding built form, however further planting would provide additional screening.
	Naturalistic space with areas of open countryside with dense and scattered trees and shrubs.	Desirable	The site is predominantly open countryside with Heizdin's Wood in the centre and trees along the boundaries. Additional woodland and parkland tree planting along with hedges and thickets would provide a variety of distinct naturalistic areas.
	Gentle undulating topography. Steep slopes are likely to deter visitors.	Desirable	The site features a gently undulating topography. The slopes are not unduly steep.
	Focal point such as a viewpoint or monument within the site and accessible via walking routes.	Desirable	The topography of the site provides high points with opportunities for views across Gaddesden Place house and park. Seating can be provided on higher ground to take advantage of views across the

			valley towards the Ashridge Estate, Gaddesden Place and nearby conservation areas.
	Provision of open water, however large areas of open water cannot count towards SANG capacity.	Desirable	Small wildlife ponds to be established in low-lying areas to the east.

10.14 Natural England were consulted and consider the site to be a good candidate for a large SANG, with its long views to the north and good location close to Hemel Hempstead, also confirming that due to its size the catchment area of the SANG would be 5km. It also noted that the location of the site means it has the potential to intercept visitors travelling north from Hemel Hempstead to the Chilterns Beechwoods SAC with easy access by car along Leighton Buzzard Road and Potten End.

10.15 The SANG is proposed to come forward in two phases with the eastern phase 1 comprising all of Natural England's essential criteria for a SANG (2.3km circular walk and car park). Natural England supports the phase delivery approach, including the provision of the full car parking capacity for the whole SANG as part of the delivery of phase 1.

10.16 The proposed SANG has a rural feel and the existing use by the public along the Public Rights of Way footpaths within the site suggests that the proposed SANG is in a location that the public will use. The applicant has followed advice given by Natural England at pre-application stage, which included the introduction of grassland meadows, restored historic hedgerows and parkland in the southeast corner of the proposed SANG, acknowledging the historic views across the valley from Gaddesden Place. Natural England is content that the landscape elements shown on the SANG Landscape Strategy Plan will provide a semi-natural habitat.

10.17 In their consultation response, Natural England confirmed that the proposed Potten End SANG does meet the Natural England SANG Quality Guidelines and, in principle, have no issue with it being designated a SANG, subject to the following points:

1. The SANG is to be created as set out in the 'SANG Delivery Framework Document for Land at Potten End Hill, Hemel Hempstead' (CSA, May 2024), which should be made a condition of the planning consent, to ensure that the SANG is created and managed according to the NE SANG Guidelines (2021).
2. A management company, trust/charity or the Local Planning Authority (LPA) is to be named as managers of the SANG prior to approving the SANG for mitigation, and a legal agreement secured between the applicant / their client and the management company/body, to secure the funding of the SANG management via a commuted sum/endowment.
3. A legal agreement between the applicant / their client and the LPA regarding step-in rights and management of the SANG in perpetuity has been signed by both parties if required.

10.18 Natural England's order of preference for transferring long-term management of the SANG to a management body is: 1) the LPA; 2) the Land Trust or similar body; or 3) a new management company set up by the applicant. If the SANG is to be managed by a third-party management company, step-in rights would be agreed in writing with the LPA. Step-in rights would not be required if a charity is the managing body as, in the unlikely event that the charity were to be dissolved, the site and the ring-fenced endowment would, by virtue of Article 17 of its articles and as a matter of charity law, pass to another organisation with similar charitable purposes.

10.19 The Land Trust has confirmed in writing (letter dated 14th October 2024) that they are willing to take formal ownership of the proposed SANG, subject to Board approval, contract and payment of an agreed endowment, and would thereafter remain responsible for its provision and maintenance in perpetuity (no less than 80 years).

10.20 In summary, the site is considered to be both suitable and capable of becoming a SANG. Whether or not the site actually serves as SANG for housing developments within the Borough will be a subsequent matter for the relevant planning officer or, as the case may be, the Development Management Committee.

#### Impact on the Chilterns National Landscape

10.21 In relation to the Chilterns National Landscape (formerly known as the Chilterns Area of Outstanding Natural Beauty, the AONB), Policy CS24 of the Core Strategy, Saved Policy 97 of the Local Plan and Paragraph 182 of the NPPF seek to ensure that the scenic beauty of this area is conserved and that new development is sensitively located and designed to avoid or minimise adverse impacts on this designated area. Saved Policy 97 states that, in the AONB, the prime consideration is the conservation of the beauty of the area, that any development must be satisfactory assimilated into the landscape. Open air recreation is specifically addressed in Policy 97, where it states that:

*'Informal outdoor recreation allowing the quiet enjoyment of the countryside is encouraged, but careful attention will be paid to the provision of associated ancillary facilities such as car parks and toilets in order to minimise their impact on the local scene.'*

10.22 The Chilterns AONB Management Plan states that the Chilterns is a living and working landscape, shaped, worked and enjoyed by people living in and around the National Landscape. Policy DP12 of the Management Plan is supportive of sympathetic proposals that enhance the Chilterns as a place to visit, live, explore and enjoy, for example sensitively designed new visitor facilities.

10.23 A holding objection / comments have been received from the Chilterns Conservation Board (CCB) suggesting that further detail on the relationship between the anticipated housing site(s) for this SANG and the anticipated emerging Local Plan's preferred options consultation is required, however there is no planning justification to link the proposed SANG to specific future sites. Whilst the SANG would be in the National Landscape, it does not mean that the housing developments it would support would also be in the National Landscape. The SANG would have a catchment area of 5km, which would cover Berkhamsted, the western side of Hemel Hempstead, as well as smaller villages and settlements in the vicinity. Furthermore, Council-led SANG solutions will not have the capacity for the expected housing numbers within the Borough, therefore new housing development will be expected to pursue their own SANG solutions.

10.24 The CCB also suggested that further detail should be provided relating to the accessibility of the site (modal split between car-based visitors and non-car-based visitors), the assessment of mitigation to prevent harm to the Ancient Woodland and the long-term delivery of the submitted SANGs management plan objectives. In terms of the accessibility of the site, the data is not available to show and the modal split between car-based visitors and non-car-based visitors, however the Transport Assessment indicates that the SANG could generate around 5% additional traffic on busier days. It should also be noted however that the SANG is well-connected to the existing public right of way network, therefore access to the site by foot would also be expected. The mitigation to prevent harm to the Ancient Woodland and the long-term delivery of the submitted SANGs management plan objectives would be secured by legal agreement. The CCB also commented that proposed SANGs should be accessible for all users including ambulant visitors, people with buggies and wheelchair users. Provision for disabled car parking spaces would be included, however the paths would be mown grass and the site would be accessed via

kissing gates. As such, the site may not be suitable for all users, however this is weighed against the requirement for a SANG to remain as naturalistic as possible. In this instance, any interventions to upgrade the footpaths, for example to a hard surface that is suitable for a wider range of users, would unlikely be acceptable in terms of its visual impact on the landscape.

10.25 In terms of the proposed access and car park, these areas of development would be relatively limited in scale and located at the lowest point of the site. As outlined in Policy CS24, regard is to be had to the policies and actions set out within the Chiltern Conservation Board's Management Plan. Of relevance in this regard is Policy EP3, the full wording of which is set out below for ease of reference:

*'The Chilterns has benefited from widespread stile-removals, new 'access for all' trails and other initiatives to improve physical accessibility which makes it one of the leading accessible landscapes. Accessibility should be further improved to provide more and better opportunities for everyone to enjoy the countryside. Priorities include improved access for those with limited mobility, new or improved access links between the AONB and urban areas, more multi-user routes, better bridleway connectivity and provision of facilities on appropriate sites (e.g. waymarked trails, information boards, cycle and car parking).'*  
(Officer emphasis).

10.26 The site currently comprises agricultural fields and an area of woodland. It is important to note that most of the site is to remain undeveloped and enhanced with areas of additional woodland. Stock-proof fencing would be installed alongside newly planted native hedgerows, which would reintroduce historic field boundaries and would be appropriate within the context. The proposed stock-proof fencing itself would be visually permeable and would not be highly prominent or incongruous within this countryside setting. The proposed access and car park would be the only areas of operational development. These elements would have a localised urbanising effect on this part of the National Landscape, however this effect would be mitigated by the proposed woodland screening. The car park may be visible from long distance views, for example from footpath no. 064 and from the eastern side of the valley, however the above-mentioned woodland planting, in addition to the wider parkland tree planting within the valley floor, would soften the impact. Whilst there would be an increase in activity by virtue of the change of use to informal outdoor recreation, from visitors and associated additional vehicle movements, the site already benefits from a number of public rights of way, such that there is already public access to the site.

10.27 It is considered that the proposal would reduce the cumulative impacts of new development and would reduce visitor pressure on a sensitive site, i.e. on the Chilterns Beechwoods SAC. It would provide new facilities within the designated landscape to encourage access to nature and the countryside and facilitate the enjoyment and understanding of the special qualities of the National Landscape. This is compatible with the aims of the AONB Management Plan, which seeks to encourage the enjoyment of the AONB. Whilst it is acknowledged that the car park would have a visual impact on the National Landscape in terms of introducing hard-surfacing and a formalised man-made access, this impact is considered to be limited, given that it would be restricted to the lower part of the site, adjacent to the highway and mitigated by the proposed woodland screening and additional parkland tree planting that would surround the car park. On balance, it is felt that any minimal residual harm would be outweighed by the significant benefits of the scheme, including offsetting harm to the SAC (a European-protected site) and enabling the Council to deliver the required housing numbers within the Borough.

### Landscape Character

10.28 Policy CS25 states that all development will help conserve and enhance Dacorum's natural and historic landscape and should take full account of the Dacorum Landscape Character Assessment. The site lies within the Landscape Character Area of Nettleden Ridges and Valleys (Area 122), which is defined by:

*'strongly undulating topography and the cover of extensive arable fields and relict parkland features. The ridge and valley complex extends westwards beyond the character boundary and into the Ashridge Estate (Area 121), where the designed estate landscape becomes dominant. The settlement of Nettleden provides a visual and cultural focus to the area. It is a small hamlet of traditional built styles including some newly converted residential properties hidden away in the folds of the arable landscape. The area is strongly linked with Ashridge and evidence of its former inclusion within the historic estate is widely apparent. The planned 'gatepost' woodlands that frame the dry valley at Water End, the woodland roundels and scattered veteran trees and the sunken road at Nettleden were all part of the historic approach to the manor.'*

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

- Promote awareness and consideration of the setting of the AONB, and views to and from it, when considering development and land use change proposals on sites adjacent to the AONB
- Promote the creation of a network of new medium to large woodlands in the open arable landscape, particularly with a view to visually integrating the area into the adjacent Ashridge landscape character area
- Utilise ancient hedge and field boundaries for the most appropriate location for woodland restoration and expansion
- Promote the multiple uses of ancient woodland through education and access
- Encourage the reversal of habitat fragmentation and the creation and improvement of habitat links to create ecocorridors
- Ensure new planting is encouraged to maintain age diversity. Ensure landscape improvements respect the historic context of existing features and the form and character of parkland and gardens
- Encourage reversion from arable uses to pasture and chalk grassland
- Promote the establishment of open and wooded common land restore a mix of habitat types and a balance between agriculture and wildlife and public access
- Promote the restoration and creation of hedgerows and ditches as characteristic field boundary patterns.

10.30 The rationale for new hedges and fences as part of the proposed SANG includes reintroducing historic field boundaries, which is consistent with the objectives of the Landscape Character Area. The proposals have been informed by the heritage and historic mapping of the area and the location of the hedgerows is consistent with historic field patterns. New hedgerows would also assist in the creation of habitats and ecocorridors.

10.31 The proposal includes areas of parkland, to be created in the east of the site, as well as additional woodland created to the south of Heizdins Wood. This woodland planting is consistent with the above guidelines, which seek to promote the creation of woodlands. In addition, the reversion from arable farmland to grassland is supported by the landscape strategy for Nettleden Ridges and Valleys. Where fencing is required at the perimeter of the site it will be stock proof fencing and consistent with the agricultural character of the landscape.

10.32 New built development in the form of the car park would be introduced into the landscape and have an urbanising influence. That said, it is to be built at ground level and in close proximity to the adjoining highway and surrounding development along Potten End Hill and Willows Lane. Furthermore, it would be located at the lowest point within the site, which complies with Policy CS24 in terms of protecting the scarp slope from development that would have a negative impact upon its skyline. Moreover, once fully established, the planting scheme would help to limit views of the car park.

10.33 On the basis of the above, it is not considered that there would be any harm to the landscape character of the area; rather, if anything, the proposal is likely to result in an improvement by way of additional woodland, hedgerows, habitat creation and ongoing maintenance and care. The development is therefore considered to accord with Policy CS25 of the Core Strategy.

#### Impact on Heritage Assets

10.34 Policy CS27 of the Core Strategy is an overarching policy which seeks to ensure that the quality of the historic environment is maintained. It states that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected conserved and, if appropriate, enhanced.

10.35 Paragraph 205 of the NPPF advised that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development proposal will lead to less than substantial harm to the significance of a heritage asset, paragraph 208 of the NPPF requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.36 The small settlement at Water End, which is a Conservation Area, lies immediately east of the site, and the eastern end of the site lies within the boundary of the Conservation Area. There are listed buildings to the south side of Nettleden Road, including Moor Cottage (grade II\* listed) which is located 32m from the southeast corner of the site. Grade II\* listed Gaddesden Place is visible from the site, positioned on the opposite side of the valley.

10.37 The Council's Conservation & Design Officer has been consulted and has provided the following representation:

*"The introduction of a car park including a formalised entrance (with associated gate / height barrier and signage) will detract from the setting of the Conservation Area. However, it is acknowledged the additional screening and hedgerows proposed in the vicinity will limit this impact. Any harm is thought to be at the lower end of 'less than substantial'.*

*The Heritage Setting Assessment ascribes a similar level of harm to the setting of Moor Cottage (grade II\*), like with the car park a lot will depend on how sympathetically the planting / screening is established.*

*The site forms part of the wider setting to Gaddesden Place house (and its surrounding parkland) which lies in an elevated position to the east of Water End, with views to the west and across the SANG site. The change from arable fields to grassland / meadow with additional hedgerows will preserve the wider setting of Gaddesden Place but there are concerns the car park may be visible - potentially harming its wider setting. Any harm will likely be at the lower end of 'less than substantial'."*

10.38 The Conservation & Design Officer also commented that the wider setting of the Grade II\* Ashridge Estate registered park and garden, Frithsden Conservation Area, Nettleden Conservation Area and Bingham's Park Grade II listed building would be preserved.

10.40 Overall, it is considered that the proposed car park would result in harm to the setting of Water End Conservation Area, the setting of Moor Cottage and the wider setting of Gaddesden Place House. With respect to each of these designated heritage assets, the level of harm is quantified at the lower end of less than substantial. Nonetheless, the less than substantial harm identified to their significance (through development within their setting) will need to be weighed against any public benefits of the proposal, as per paragraph 208 of the NPPF. Public benefits are essentially anything that delivers the economic, social or environmental objectives described in the NPPF, but there is an expectation that they will be of a nature or scale to be of benefit to the public at large, as opposed purely private benefit.

#### *Social Benefits*

10.41 The proposed change of use would permit public access to the entirety of the site, with the new vehicular access and car park extending these benefits to a wider group of people; that is to say, those not living within easy walking distance of the site. This would appear to be in the spirit of paragraphs 96 and 124 of the NPPF, which state that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which '*enable and support healthy lifestyles....for example through the provision of safe and accessible green infrastructure....*' as well as encouraging '*multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside*'. This benefit is afforded moderate weight.

10.42 In addition, the proposed SANG would mitigate the impact of visitor pressure on the Chiltern Beechwoods SAC. The SANG has capacity for approximately 2,452 dwellings, which would help to unlock a number of housing sites, ensuring that credits can be purchased from nearby sites. This benefit is afforded significant weight.

#### *Economic Benefits*

10.43 Short term direct economic benefits include expenditure during the construction process and the creation of employment opportunities during construction / implementation of the scheme. In addition, there would be employment opportunities associated with the long-term management and maintenance of the SANG. Collectively the economic benefits are afforded limited weight.

#### *Environmental Benefits*

10.44 The proposal would achieve a Biodiversity Net Gain of +187.62% in habitat units and +48.56% in hedgerow units, which significantly exceeds the requirements of the Environment Act. This benefit is afforded significant weight.

10.45 The proposed SANG has been designed with reference to the historic context of the area, and includes the reintroduction of parkland in the eastern area of the site, new woodland to the south of Heizdin's Wood and elsewhere for the reinstatement of historic boundaries and hedgerows. This benefit is afforded moderate weight.

#### *Conclusion*

10.46 Overall, it is considered that the less than substantial harm identified (at the lower end of the scale) is outweighed by the collective public benefits of the proposal.

### Impact on Residential Amenity

10.47 Policy CS12 of the Core Strategy states that new development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to properties in the surrounding area. Furthermore, paragraph 135 f) of the NPPF seeks to ensure that planning decisions create places with a high standard of amenity for existing and future users.

10.48 The surrounding area consists of sparse residential development, predominantly comprising detached properties on Potten End Hill, Nettleden Road and Willows Lane. The SANG Landscape Proposals indicate that the SANG footpaths would not be in close proximity to any of the surrounding properties, with separation distances in excess of 60m. Furthermore, new woodland and thicket planting would provide additional screening along the boundaries of the SANG. It is thus considered that there would be limited potential for overlooking, such that the change of use of the site would not result in an unacceptable loss of privacy.

10.49 In terms of noise and disturbance, it is not considered that there would be any significant adverse impacts arising from the change of use. It is acknowledged that the character and nature of the use will change, but there is nothing inherently noisy in informal outdoor recreation. The impact of the intensification of the use of the site will also, to a degree, be tempered by the fact that SANG footpaths are located a reasonable distance away from sensitive residential receptors and it is felt that the existing public rights of way would absorb the increased use.

10.50 The proposed new access would be located close to the junction of Willows Lane and Potten End Hill. There would be an increase in vehicular activity at the new junction, however it would be located within the established highway network. The Transport Statement suggests that the nature and scale of development proposed is likely to generate an increase of around 5% of additional traffic on busier days (e.g. Bank Holidays). This level of increase in activity is not considered to be significantly noisy or disruptive, particularly given that the majority of trips are likely to be on leisure days, in the middle of the day, or at least outside of rush hour times.

10.51 Concerns have been raised that the change of use of the site could result in an increase in anti-social behaviour. The basis of these concerns is not entirely clear and it is considered that, subject to the imposition of reasonable controls such as a condition restricting use in non-daylight hours, the site would not be at greater risk of anti-social behaviour than public open space elsewhere in the Borough. In the event that instances of anti-social behaviour were to be witnessed, this would be a police matter that could be dealt with under criminal law, where appropriate.

10.52 In summary, notwithstanding the objections received from members of the public, it is considered that the development would not have a significant adverse impact upon the amenity of nearby properties, complying with Policy CS12 of the Core Strategy.

### Impact on Highway Safety and Parking

10.53 Policy CS12 of the Dacorum Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users and paragraph 115 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy 51 of the Dacorum Local Plan states that the acceptability of all development proposals will be assessed specifically in highway and traffic terms and should have no significant impact upon, inter alia:

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

- the environmental and safety implications of the traffic generated by the development.

### *Highway Safety*

10.54 Potten End Hill is designated as a classified C local distributor road, subject to a derestricted speed limit of 60mph. The proposals include a new access point from the highway in the form of a simple priority junction / bellmouth access, providing vehicular access to a car park. The design includes a carriage opening width of 4.8m leading to a carriage width of 5.5m, which would enable two vehicles to pass one another. Vehicle to vehicle visibility splays of 2.4m by 160m are illustrated to either side of the proposed access point. Having regard to the speed surveys carried out for the submitted Transport Statement, the Highway Authority considers that the above visibility splays are considered acceptable and sufficient to ensure visibility levels in accordance with the relevant standards.

10.55 The existing hedge would need to be removed and replaced by a new hedge to facilitate the visibility splays. The Highway Authority has confirmed that a S278 Agreement would need to be entered into with regards to the off-site works on highway land, including:

- New bellmouth access and any associated works (e.g. new hedge behind visibility splay)
- Any temporary construction access arrangements.

10.56 The dimensions and layout of the parking areas, including the maintenance vehicle bay, are considered to be acceptable by the Highway Authority and vehicles would be able to turn around and egress to the highway in forward gear. In terms of trip generation, the approach is based on traffic surveys conducted at Ashridge, which is considered reasonable. The Transport Statement estimated around 5% additional traffic on busier days, which would not represent a significant impact.

10.57 The Highway Authority recommended a condition (referred to as condition 2 in their consultation response) requiring the submission of details to the LPA for the above off-site works. However, the S278 Agreement is a separate process that is required prior to the commencement of the development. The S278 Agreement will be between the developer and the Highway Authority and will require the construction of the off-site highway works to be undertaken to the specification of the Highway Authority. As these details would be secured by a separate process, the recommended condition is not necessary. In addition, as it relates to off-site land, this condition would not be enforceable by the LPA. The condition does not meet 6 tests set out in paragraph 55 of the NPPF and is thus not recommended.

10.58 Subject to entering into a S278 Agreement and recommended conditions, the Highway Authority considers that the proposal would not have an unreasonable or severe impact on the safety and operation of the surrounding highway and has no objections on highway grounds to the proposals.

### *Parking*

10.59 Policies CS8 and CS12 of the Core Strategy seek to ensure that safe and sufficient parking based on parking standards is included as part of all new development. The Dacorum Parking Standards SPD does not include guidance in terms of parking requirements for open space. However, the Council's *Mitigation Strategy for Ashridge Commons and Woods Site of Special Scientific Interest* provides guidance on the suggested level of parking for SANG purposes. This is set out in paragraph 3.5.25:

*3.5.25. The amount and nature of parking provision should reflect the anticipated use of the site by visitors and the catchment size of the SANG. A guide to parking provision should be*

*in the region of 1.5 spaces per hectare of SANG. Parking should be clearly signposted, easily accessed and advertised as necessary for potential visitors.*

10.60 The proposed SANG would have an area of 48.81 hectares; therefore, based upon the mitigation strategy, a total of 73 parking spaces would be expected. However, this is at variance with Natural England's guidance which requires 1 space per hectare of SANG land. It is also important to note that the mitigation strategy refers to parking provision being 'in the region of', suggesting that a relaxation of the standards can be justified in certain scenarios.

10.61 Having regard to the sensitivities of the site, being located within the Chilterns National Landscape, the designated Rural Area (partially within the Green Belt) and in close proximity to designated heritage assets, it is felt that the proposed level of 50 spaces would be an appropriate level of provision in this instance, which is closer to Natural England's guidance of 1 space per hectare. The layout and dimensions of the parking spaces is acceptable, further details with regards to the level and location of disabled parking and cycle parking provision would be secured by condition.

10.62 Taking all of the above into account, it is considered that the development would provide safe and sufficient parking and is in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy.

#### Impact on Ecology

10.63 Policies CS26 and CS29 of the Dacorum seek to ensure that, amongst other things, development management action contributes towards the conservation and restoration of habitats and species, the strengthening of biodiversity corridors, the creation of better public access and links through green space and minimises impacts on biodiversity and incorporating positive measures to support wildlife.

10.64 Baseline ecological surveys were conducted at the site in January and March 2024, to determine any constraints to the proposed change of use. The findings and conclusions of these investigations are presented in the Preliminary Ecological Appraisal (PEA) prepared by CSA Environmental.

10.65 The site is dominated by arable land that is cultivated for cereals and other crops. Heizdins Wood, an ancient semi-natural woodland and Local Wildlife Site (LWS), is located in the centre of the site, covering an area of 4.98ha. There are two smaller areas of woodland within the site, all of which qualify as priority woodland. There are badger setts within the site and hedgerows on site qualify as priority habitat and provide corridors for local wildlife.

10.66 The proposed change of use of the site to outdoor recreation is unlikely to result in significant adverse ecological effects subject to the following safeguards:

- Installation and maintenance of dog waste bins
- Protection of woodland, important trees and hedgerows
- Clear signage and guidance for ecological interests of the site and responsible use of the SANG, including for woodland and mature trees.

10.67 In addition to the above a series of habitat interventions are proposed to mitigate for any minimal impacts expected from recreational use, and to deliver ecological enhancement, including a net gain. These are reversion to grassland, restoration of former parkland, woodland restoration and long-term management, reinstatement of historic hedgerows with close adherence to importance views from surrounding landscapes and creation of permanent and ephemeral ponds in the low-lying areas to the east making use of existing depressions and topography.

10.68 Using the Biodiversity Metric 4.0 (i.e. the most up-to-date version of the statutory metric), the PEA demonstrates that a biodiversity net gain (BNG) in excess of the mandatory 10% would be achieved as follows:

#### **Habitat Units BNG**

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Baseline: 100.16 units

Post-development: 288.08 units

Net change in units: +187.92 units or **+187.62%**

#### **Hedgerow Units BNG**

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Baseline: 23.88 units

Post-development: 35.48 units

Net change in units: +11.60 units or **+48.56%**

10.69 There have been a number of objections from local residents regarding the impact on ecology, including to habitats and species. The PEA states that the reversion of arable to grassland may displace some farmland specialists, however overall biodiversity would be increased. Furthermore, the above-mentioned interventions and safeguards would ensure that any increase in activity would be mitigated.

10.70 Herts Ecology has been consulted and commented that a general BNG condition is required and that the BNG should be secured by conditions and/or legal agreement. Additionally, uncertainty surrounding the future management of the woodland on the site will require the submission and approval of a revised SANG Delivery Framework, which would be secured by a pre-commencement planning condition. Furthermore, an ongoing woodland monitoring clause would be included within the S106 legal agreement.

10.71 It is acknowledged that the change of use would result in more human activity across the site; however, given the relatively sizable site area, the level (and type) of activity that is likely to occur, the duration of an average visit and the proposed habitat creation, it is not considered that there would be any adverse impacts on ecology, subject to appropriate planning conditions and the above-mentioned legal agreement. Accordingly, the development is in accordance with Policies CS26 and CS29 of the Core Strategy.

#### Other Material Planning Considerations

##### *Loss of Agricultural Land*

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

10.73 Saved Policy 108 of the Dacorum Borough Local Plan seeks to protect the 'best and most versatile' (BMV) agricultural land. The Agricultural Land Classification (East Region) map illustrates that the site is 'Good to Moderate' Grade 3 agricultural land, meaning that the land is not classified as Grade 2 'Very Good' or Grade 1 'Excellent' in terms of its agricultural quality, according to Natural England's Agricultural Land Classification map.

10.74 With the exception of the car park, the built form of which is considered de-minimus from an agricultural land perspective, the application site will remain undeveloped. It follows that despite the change of use of the land and the requirement that the land be maintained and managed as SANG for a minimum of 80 years, in reality there would be no permanent loss. It is also clear from

the proposed landscaping plans that no changes to the contours of the landscape are proposed, ensuring that the topsoil is retained, making restoration to an agricultural use at a later stage a realistic possibility. No objections have been raised by Natural England in that regard.

#### *Flood Risk*

10.75 Core Strategy Policy CS31 states that developments will be required to avoid Flood Zones 2 and 3, unless it is for a compatible use. Paragraph 165 of the NPPF is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flooding. Additionally, Paragraph 165 explains that when determining planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere.

10.76 The LLFA has been consulted and has objected on the grounds that the application has not provided calculations to support the proposed surface water drainage strategy or sufficient evidence of increased flood risk to off-site areas and highway.

10.77 A Flood Risk Assessment (FRA) by Charles & Associates Consulting Engineers has been submitted in support of the application. This confirms that the site is fully within Flood Zone 1, wherein advice from the Government is clear that the sequential test is not applicable unless there are flooding issues in the area of the development. There are no known issues and therefore a sequential test is not required.

10.78 The majority of the site will remain undeveloped other than the access and car park, which would be surfaced using permeable materials. The car park would be laid to the existing contours and the access road would be laid to camber, allowing surface water runoff to discharge to edge filter drains, which would also intercept any runoff from both land upstream of the parking area and the car park itself which may not infiltrate directly to ground. This would provide a fully SuDS (Sustainable Drainage System)-compliant surface water drainage scheme.

10.79 Taking all of the above into account, it is considered that the drainage strategy proposed comprises of a sustainable drainage system (infiltration – top of the SuDS hierarchy), meeting the requirements of paragraph 175 of the NPPF; that is to say, '*major developments should incorporate sustainable drainage systems unless there is clear evidence that it would be inappropriate.*' As such, it is felt that any outstanding calculations to support the proposed surface water drainage strategy and further evidence of increased flood risk to off-site areas and highway, as required by the LLFA, could be dealt with by condition.

#### *Source Protection Zone 1 (SPZ1)*

10.80 The application site is located in Source Protection Zone 1 (SPZ1). Core Strategy Policy CS31 states that water will be retained in the natural environment as far as possible and that development will be required to avoid damage to Groundwater Source Protection Zones. Furthermore, Policy CS32 states that any development proposals which would cause harm from a significant increase in pollution (into the soil or any water body) by virtue of particles, effluent or noxious substances, will not be permitted. Paragraph 180 e) of the NPPF also seeks to ensure that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of, inter alia, soil and water pollution.

10.81 The LLFA has raised concerns that the proposed car park would discharge via infiltration in SPZ1 and that the Environment Agency (EA)'s Approach to Groundwater Protection policies set out that the applicant is required to undertake a hydrogeological risk assessment for proposed surface water runoff discharges into SPZ1 areas that are not clean roof water.

10.82 The FRA states that the filter drains within the parking area and access road will help reduce pollutant levels in the runoff by filtering out fine sediments, hydrocarbons and other pollutants. Groundwater flooding is considered low risk at this site and the FRA states that the implementation of infiltration drainage will not pose any risk to the underlying aquifer.

10.83 The EA has been consulted and stated that, despite being in SPZ1, the proposed works are non-contaminative, and so are likely to have low risk. Nonetheless, given that the infiltration method within the FRA relies on drains to filter out fine sediments, hydrocarbons and other pollutants, it is deemed reasonable and necessary that a condition be added that requires an assessment and, if necessary, mitigation for infiltration of surface water runoff from the car park.

### *Archaeology*

10.84 Core Strategy Policy CS27 seeks to ensure that features of known or potential archaeological interest will be surveyed, recorded and wherever possible retained. The site does not reside within an Area of Archaeological Significance, although Grim's Ditch is located 1.5km west of the site and Roman pottery has been recorded nearby, as well as evidence of a Roman road and cropmarks in the locality. The applicant has provided an Archaeological Desk-Based Assessment, which states that there is no current evidence to indicate focused prehistoric or Roman activity within the site itself. Nonetheless, paragraph 200 of the NPPF states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

10.85 The County Archaeologist has been consulted and commented that an archaeological field evaluation has not been carried out and that provision should be made for the car parking/access/planting to be moved to accommodate the preservation of archaeological remains, should this be felt appropriate. However, it is considered that unless any archaeological remains found on the site of the car park are of national significance, then archaeological recording of the remains should suffice. Furthermore, given that the proposed development would require minimal excavation, it is considered that the ground would remain relatively undisturbed and localised within the car park and access road areas only.

10.86 As such, it is considered that a field evaluation and any subsequent preservation, recording, analysis, publication etc. could be secured by appropriately worded conditions, should permission be granted. An informative note will also be added to ensure that, if it is the case that archaeological remains of national significance are found (that require preservation rather than recording), the applicant would need to submit a fresh planning application.

### *Impact on Public Rights of Way*

10.87 Saved Policies 79 and 80 Local Plan state that the public footpath and bridleway networks will be protected, improved and promoted, with particular attention in Policy 79 given to the creation and signing of circular walks.

10.88 Kissing gates are proposed at the public right of way entrances to the SANG site. The proposed SANG footpaths would provide increased connectivity to the existing footpaths within the site and, in turn, the wider public right of way network. New hedges are proposed around the perimeter of the SANG. Where these intersect with existing public footpaths, kissing gates would be installed. A new hedgerow would be planted alongside footpath 62 and some minor artefacts such as benches would be positioned close to the existing footpaths at viewpoint locations.

10.89 Overall, the proposed development would not have a detrimental effect on the use of the existing footpaths or the site and does not, therefore, give rise to any concerns. It is considered

that the public footpath network would be protected, improved and promoted, to accord with the above policies.

### *Impact on Trees and Landscaping*

10.90 Saved Policy 99 of the Dacorum Local Plan encourages the preservation of trees, hedgerows and woodlands throughout the Borough, with a high priority being given to their retention and protection during development.

10.91 An Arboricultural Impact Assessment by Barton Hyett Associates has been submitted in support of the application. In terms of impact on existing trees and hedges, the vehicle visibility splays require a 100m section of hedge along Potten End Hill to be removed and relocated behind the splay. A 17.5m gap within the replanted hedge would remain for the new access. Otherwise, there are no trees or hedges proposed to be removed within the site.

10.92 In terms of tree protection, the proposal only requires construction works with heavy plant and machinery in the far east of the site to complete construction of the proposed access track and car park. The remainder of the proposal, across the majority of the site, requires only light / minor works outside retained tree Root Protection Areas (RPAs). Tree protection fencing is proposed around trees near the proposed access track and car park; most notably the lone sycamore, which is just to the northwest of the proposed new access road.

10.93 In terms of Heizdins Wood, which is an ancient semi-natural woodland, the proposal does not require any significant works or activity within the ancient woodland buffer. The proposal has the potential to enhance the ancient woodland habitat both through the cessation of agricultural cultivation within the buffer and also by increasing species diversity, canopy cover and connectivity across the site via proposed landscape planting. No new footpaths are proposed within the ancient woodland, however it is anticipated that increased visitor numbers could impact upon the tree roots. Therefore, the S106 legal agreement will include a woodland monitoring clause, whereby the woodland will be monitored periodically for any damage and, if necessary, appropriate remediation measures taken.

10.94 Overall, it is considered arboricultural impacts of the development proposal on trees at the site are minimal and that the loss of hedging to allow for the access would be compensated for by planting proposals, which would comprise native species to ensure biosecurity. Tree protection measures and subsequent native tree and hedge planting would be secured by condition and the condition of the ancient woodland would be monitored by legal agreement. Subject to the above measures, the proposal complies with Saved Policy 99.

### *Contaminated Land*

10.95 Policy CS32 of the Core Strategy states that development will maintain soil quality standards and remediate contaminated land in line with Environment Agency, Defra and Natural England guidance. Parts of the site reside within an area of potentially contaminative former land use. The Council's Contaminated Land Officer has been consulted and raised no objection to the proposal, subject to the inclusion of contaminated land conditions and informative notes. Subject to the recommended conditions, the proposal complies with Policy CS32.

### *Air Quality*

10.96 The Environmental Health Officer has suggested that an informative note be included for the development to incorporate facilities for electric vehicle recharging. However, the site does not reside within an Air Quality Management Area. Furthermore, whilst there will be a power supply for the gate to allow opening and closing, there will not be a power supply in the car park as street lighting is not proposed. It is therefore not necessary to include the suggested informative note.

## *Planning Obligations*

10.97 A legal agreement is in the process of being drafted which would require the site to be managed as a SANG for a period of at least 80 years. At this stage, the applicant's preferred management partner is the Land Trust (<https://thelandtrust.org.uk/>) who are a charitable organisation with a track record of managing areas of public open spaces for community benefit. The Land Trust has confirmed in writing (letter dated 14<sup>th</sup> October 2024) that they would be able to take formal ownership of the proposed SANG and would thereafter remain responsible for its provision and maintenance in perpetuity.

## **11. CONCLUSION**

11.1 Given the above assessment, it is considered that the change of use of the land to outdoor recreation would have a negligible impact on Green Belt openness as it would remain in a natural state, being generally free from development or built form and rural in character. The change of use is therefore appropriate development both in terms of the Green Belt and Rural Area designations. The proposed new access and car park would be located within the Rural Area and would spatially have a limited impact on the character and appearance of the countryside. Visually, the presence of vehicles in the car park and increase in vehicle movements would have a localised impact, however this would be mitigated with appropriate screening. Overall, the proposal would preserve Green Belt openness and would not conflict with the purposes of including land within the Green Belt, to accord with paragraph 143 of the NPPF. The new access and car park would have a limited impact on the character and appearance of the countryside, which would be mitigated with screen planting.

11.2 The proposed SANG is compatible with the aims of the AONB Management Plan and would encourage the enjoyment of the AONB. Whilst the car park would have a visual impact on the National Landscape, the Chilterns Conservation Board's Management Plan supports proposals to provide more and better opportunities for everyone to enjoy the countryside, including provision of facilities on appropriate sites (e.g. waymarked trails, information boards, cycle and car parking).

11.3 A low level of less than substantial harm to the setting of designated heritage assets has been identified in relation to the new access and car park. However, this low-level harm would be outweighed by a number of public benefits, including social benefits in terms of increasing public access to the site, mitigating the impact of visitor pressure on the Chiltern Beechwoods SAC and unlocking housing for approximately 2,452 dwellings. It would also deliver economic benefits such as short-term provision of jobs during the implementation period, and longer-term jobs during the management and maintenance of the SANG. Environmentally, there would be a significant delivery of Biodiversity Net Gain, including reintroduction of parkland and new woodland and hedges. The less than substantial harm identified is outweighed by the collective public benefits of the proposal.

11.4 It is considered that the proposal would reduce the cumulative impacts of new development and reduce visitor pressure on a sensitive site, i.e. on the Chilterns Beechwoods SAC. On balance, it is felt that the low level of harm identified to the character and appearance of the countryside, the setting of nearby heritage assets and the Chilterns National Landscape would be outweighed by the benefits of the scheme, including offsetting harm to the SAC and enabling the Council to deliver the required housing numbers within the Borough.

11.5 Given the government drive for increased housing provision, and in light of the situation the Council finds itself in in terms of the Chiltern Beechwoods and the effect this is having on housing delivery within the Borough, due weight should be afforded to the provision of a SANG in this location. The SANG will unlock development within an area of the Borough not currently served by a Council-led Strategic SANG solution. In addition, new standalone public open space that is

genuinely available for members of the public (not simply an intrinsic part of an existing development) is a considered to be a considerable benefit.

## **12. RECOMMENDATION**

12.1 That the application be **delegated with a view to APPROVAL** subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 which secures, inter alia, the management and maintenance of the land as SANG for a minimum period of 80 years, and subject to the conditions set out below.

### **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:**

**CSA/6878/101 (Rev. D) Red Line Site Location Plan  
CSA/6878/116 (Rev. B) SANG Landscape Strategy  
SANG Delivery Framework Document by CSA Environmental (Report No: CSA/6878/06)  
Transport Statement by Charles Associates (ref. 16-021-040 Rev A)  
Arboricultural Impact Assessment by Barton Hyett Associates  
Design & Access Statement by CSA Environmental  
Preliminary Ecological Appraisal by CSA Environmental (Report No: CSA/6878/04)  
Flood Risk Assessment by Charles Associates (ref. 16-021-041 Rev B)  
Heritage Setting Assessment by CSA Environmental (Report No: CSA/6878/03)**

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

**3. Notwithstanding the SANG Delivery Framework Document, an updated document shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. It shall clearly explain any relationship with management associated with the delivery of a biodiversity net gain, confirmation of the future management of woodland on the site and also ensure it contains all the suggested avoidance, mitigation and enhancement measures suggested in the Preliminary Ecological Appraisal, for habitats and species. Development shall be carried out in accordance with the approved particulars and fully provided prior to first use of the site.**

Reason: To ensure the protection of important habitats and 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 and Section 15 of the National Planning Policy Framework (December 2023).

**4. No development of the car park shall commence until a Construction Management Plan / 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.**

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

**5. No development shall 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 significance and research questions; and:**

- (a) The programme and methodology of site investigation and recording.**
- (b) The programme for post investigation assessment.**
- (c) Provision to be made for analysis of the site investigation and recording.**
- (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.**
- (e) Provision to be made for archive deposition of the analysis and records of the site investigation.**
- (f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

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

**6. i) Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 5.**

**ii) The development shall not be brought into first use 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, publication and dissemination of results and archive deposition has been secured.**

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

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

**(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no**

development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

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

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

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

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

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

**8. Any contamination, other than that reported by virtue of Condition 7 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

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

**9. No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority to illustrate the quantum and location of the following:**

- Standard vehicle parking spaces;
- Disabled / accessible vehicle parking spaces;
- On-site cycle parking.

**The development shall be carried out in accordance with the approved details prior to the first use of the development hereby approved, thereafter retained for those purposes and maintained in a good condition for the lifetime of the development.**

Reason: To ensure suitable, safe and satisfactory planning and development of the site and to ensure a satisfactory level of parking in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and the Dacorum Parking Standards SPD (2020).

**10. Prior to the commencement of development hereby approved, an Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how the tree shown for retention on plan no. CSA/6878/116 Rev B shall be protected during the construction process, shall be submitted to and approved by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The tree protection measures must be implemented prior to the commencement of the development, the works must then be carried out according to the approved details and thereafter retained until completion of the development.**

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

**11. No development (other than groundworks) shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- All external hard surfaces within the site;
- Other surfacing materials;
- Means of enclosure;
- Soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- Minor artefacts and structures (e.g. benches, way marking signs, information boards, bins etc.).

**The development shall be carried out in accordance with the approved details and thereafter maintained for the lifetime of the development.**

**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).

**12. No development shall take place until further details of the drainage scheme have been submitted to and approved in writing by the Local Planning Authority. These further details shall include:**

- 1. Infiltration tests to BRE Digest 365 Standards which confirm that the site is suitable for the disposal of surface water via infiltration.**
- 2. Clarification on whether the proposed access road will be lined.**
- 3. Further information on the filter drains, including contributing area and confirmation of suitable infiltration rates within the filter drain reach receiving the flow to manage this appropriately.**
- 4. Provision of a comprehensive drainage layout drawing which demonstrates confirmation of the points above.**

5. **An assessment of water quality, including the provision of mitigation elements as required, which addresses the presence of the Source Protection Zone and meets the requirements of the Environment Agency.**
6. **If infiltration tests indicate that infiltration is not a viable means of surface water disposal, full details of a suitable alternative discharge mechanism (watercourse / sewer) shall be provided for review and approval by the Local Planning Authority.**

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

Reason: To ensure that the site is adequately drained and to avoid the mobilisation of contaminants which could find their way into the aquifer, in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy (2013).

**13. No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:**

- a) **a timetable for its implementation; and,**
- b) **a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.**

**The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.**

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

**14. Prior to the first use of the development hereby permitted, the proposed access and any other necessary highway works, on-site hardstanding and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Policies 51 and 54 of the Dacorum Borough Local Plan (2004).

**15. Prior to the first use of the development hereby approved, brash/deadwood borders to the footpaths within the ancient woodland known as Heizdin's Wood shall be laid out, to encourage users to stay on paths, particularly where close to notable ground flora areas and close to badger setts. Prior to the first use of the development hereby approved, signage shall be erected at the three footpath access routes through the ancient woodland known as Heizdin's Wood, informing the SANG users and wider public of the ecological interests and sensitivities of the woodland, including guidance on staying on paths to protect woodland flora and fauna.**

Reason: To ensure the protection of important habitats and 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 and Section 15 of the National Planning Policy Framework (December 2023).

**17. There shall be no use of the SANG car park between sunset and sunrise (as set out by the Met Office). During these hours the gate / barrier(s) to the site shall be permanently locked, and details of its operation are to be submitted to and approved in writing by the local planning authority prior to the car park being first brought into use.**

Reason: In the interests of the amenity of neighbouring properties and in order to reduce / limit the potential / fear of crime, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Paragraph 96 (b) of the National Planning Policy Framework (December 2023).

**18. Prior to the first use of the development hereby approved, full details of the 'height restriction barrier with low level steel gate' shown on drawing no. CSA/6878/116 Rev B shall be submitted to and approved in writing by the local planning authority.**

**The development shall be carried out in accordance with the approved details prior to the first use of the development and thereafter retained for the lifetime of the development.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area, in accordance with Policies CS11, CS12 and CS24 of the Dacorum Borough Core Strategy (2013).

**19. The SANG shall be permanently open to members of the public 7 days per week, 365 days a year for no charge.**

Reason: To ensure that the site offers a credible alternative to Ashridge Woods and Common for the purposes of outdoor recreation, and for the avoidance of doubt.

**20. Notwithstanding the details submitted, prior to first use of the development hereby approved, full details of the stock proof fencing shown on drawing no. CSA/6878/116 Rev. B shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently be carried out in accordance with the approved particulars, be in place prior to first use of the development hereby approved and permanently retained and maintained thereafter.**

Reason: To ensure that fencing is sympathetic to the character and appearance of the area and the Chilterns AONB, in accordance with Policies CS11, CS12 and CS24 of the Dacorum Borough Core Strategy (2013).

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

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

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

## **Informatives:**

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

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

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

3. 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 website

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

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

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

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

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

5. 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.

6. 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.

7. 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>

8. Contaminated Land: The above contaminated land conditions are considered to be in line with paragraphs 180 (e) & (f) and 189 and 190 of the NPPF 2023. Guidance on how to assess and manage the risks from land contamination can be found here:

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

[https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f\\_8](https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8)

9. Source Protection Zone: The LLFA are concerned that the proposed car park is discharging via infiltration in SPZ1. The Environment Agency's Approach to Groundwater Protection policies stated that only clean rainwater can be infiltrated into SPZ1 (G12 - Discharge of clean roof water to ground and G13 - Sustainable drainage systems). The Environmental Agency's Approach to Groundwater Protection policies set out that the applicant is required to undertake a hydrogeological risk assessment for proposed surface water runoff discharges into SPZ1 areas that are not clean roof water. The applicant should assess and provide mitigation for infiltration of surface water runoff from the car park within a SPZ1 location and obtain Environment Agency consent for the proposals. If the applicant cannot get a consent from the Environmental Agency the current location of the car park will not have a viable drainage strategy and a new location and/or drainage strategy will be required. or further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage:

<https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx>

this link also includes HCC's policies on SuDS in Hertfordshire.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Chilterns Conservation Board	<p>Change of use from agricultural land to Suitable Accessible Natural Green Space (SANG), together with a vehicular access, car park, paths, fencing and landscaping  and Nettleden Road Potten End Berkhamsted Hertfordshire. DBC reference 24/01239/MFA.</p> <p>CNL(CCB) Holding objection/comments, based upon the need for further details and assurances as to which housing site(s) relate to this proposal and its relationship to anticipated draft Local Plan allocations, potentially north of Hemel Hempstead. The CCB's Planning Committee meeting on 25th July 2024 considered this application and supported this recommendation. We submit an appendix drawing</p>

showing the relationship of this site to the SAC and the potential north of Hemel Hempstead option in the DBC Local Plan 2024-2040 Revised Strategy for Growth, Oct-Dec 2023. We acknowledge the point that this application is comprehensively presented. As a SANG within a nationally protected landscape, 'great weight' must be given to the conservation and enhancement of the AONB. To assist the decision-maker, the new 'further the purpose' duty (LURA 2023) must be discharged (please see our comments at 1.5, below). The key focus here must address the concern that sporadic and incremental SANGs can inhibit a strategic and planned SANGs approach. The Dacorum 2023 Revised Strategy for Growth is relevant; as the LPA progresses, we strongly promote a 'joined-up approach' to housing growth and its implications for appropriately mitigating recreational impacts upon the Chilterns Beechwoods SAC.

#### 1.0. Duties and Responsibilities

1.1. The Chilterns National Landscape (Chilterns Conservation Board, CCB) has been consulted on this application. It is the duty of a conservation board, established by the Countryside and Rights of Way Act 2000 as amended, to (a) seek to further the purpose of conserving and enhancing the natural beauty of the AONB, and (b) to further the purpose of increasing the understanding and enjoyment by the public of the special qualities of that AONB. If it appears to the conservation board that there is a conflict between those purposes, they are to attach greater weight to the purpose mentioned in paragraph (a). The delivery of an effective SANGS strategy is essential to the mitigation of recreational pressures on the Chilterns Beechwoods SAC, a very significant special quality identified in the Chilterns AONB Management Plan.

1.2. We are submitting a holding objection contingent upon the resolution of two principal matters -

1.2.1. To establish the planning principle, which requires, in this case, further detail on the relationship between the anticipated housing site(s) for this SANG and the anticipated Local Plan's preferred options consultation, and

1.2.2. Further details pertinent to design (car park layout and location), accessibility (modal split between car-based visitors and non-car-based visitors), the assessment of mitigation to prevent harm to the Ancient Woodland and the long-term delivery of the submitted SANGS management plan objectives.

1.3. Potential harm to the AONB follows where the delivery of a SANG is uncoordinated and could be more effectively delivered within the forthcoming Local Plan process. Therefore, we need greater information on the housing site(s) mitigated by this proposal.

1.4. The NPPF duty at 182 deals with 'conserving and enhancing landscape', of which the SAC is a highly valued constituent part and the NPPF at 183, when applying the major development test, is material under criterion (c) whereby moderation (or mitigation) is a matter to be assessed.

1.5. The LPA should now apply the 'duty to further' in the revised section 85 of CROW 2000. In this case, that requires scrutiny of the effectiveness of capturing visitors to the SAC. We do not have that information. We need to know which potential sites are earmarked for this new housing and their relationship to, for example, SANGs within planned housing allocations and anticipated future housing allocations.

## 2.0. Background Issues.

2.1. The purpose of a SANG is to accommodate recreational access to nature and the countryside and, in doing so, deflect visitor pressures away from vulnerable, protected areas, such as the Chilterns Beechwoods Special Area of Conservation (SAC) and two associated Sites of Special Scientific Interest (SSSI) at Ashridge Commons and Woods (Ringshall Coppice) and Tring Woodlands. In this case, the principal qualifying habitat is Asperulo-Fagetum Beech forests on neutral to rich soils, dry grasslands and scrublands on chalk or limestone and the Stag Beetle. It covers around 1,300 hectares and is a key part of the special qualities of the Chilterns AONB. Anticipated housing growth in the immediate hinterland raised concerns around 2022, that this would exacerbate existing problems for these highly protected habitats, with 'over-recreational' pressures already including the trampling of habitat, litter, dog fouling (eutrophication enrichment of soil) and fire, for example.

2.2. Natural England (NE) has comprehensively promoted the mitigation of recreational pressures on the Chilterns Beechwoods Special Area of Conservation (SAC) since it called for a moratorium of all new housing within a threshold distance around this habitat, widely adopted as 12.6 km (the zone of influence). The subsequently agreed mitigation comprises:

2.2.1. Physical provision of SANGs to absorb recreational pressures without recourse to visiting the SAC.

2.2.2. Payments in lieu of creating a SANG (around £4k per dwelling), and

2.2.3. SAMMs (Strategic Access Management and Monitoring) financial payments to control impacts through site management (e.g. new 'honeypot' visitor facilities away from the SAC and around £913 per dwelling).

2.3. While the SAC is contained within the Chilterns National Landscape, the 12.6 km zone of influence is both within and outside the AONB designated area and extends into several local authorities. The zone of influence captures housing proposals for mitigation (i.e. physical SANGs or financial payments) but does not stipulate that the new SANGs countryside must be within that zone. It could be outside of it, but not by much as NE guidance recommends that the newly created SANGs countryside is no further than 5km from the new housing it will serve.

#### 2.4. Other Recent CNL Cases:

These applications comprise land at,

Castle Hill Berkhamsted (20 ha of SANGs - reference DBC 23/02972/MFA), which we understand is to be reported to DBC's Planning Committee on 11th July 2024, with a recommendation to approve.

Haresfoot Farm near Berkhamsted (24ha of SANGs - reference DBC 23/02508/MFA) and directly linked to a residential scheme at Grange Farm Bovingdon (245 dwellings, reference 23/02034/MFA), awaiting a final decision.

Halfway House Farm, Chesham (23 ha and reference BC-Chiltern PL/24/0459/FA). Castle Hill and Halfway House are freestanding SANGs, i.e., not linked to a specific residential scheme.

All three fall within the 12.6km zone of influence. Castle Hill and Halfway House are within the National Landscape/AONB. Haresfoot Farm is outside, and the scheme it directly links to (Grange Farm, Bovingdon) sits within the National Landscape's setting (about 5 km away), awaiting a final decision. Two DBC-led SANGs are being developed at Bunkers Hill and Chipperfield Common.

#### 3.0. Impact upon the National Landscape, its special qualities and an assessment of its impact.

##### 3.1. Legal and Policy Areas, for determination

The following apply,

- o Section 85 of the Countryside and Rights of Way Act (CROW), also amended by the s245 of the Levelling Up and Regeneration Act 2023 ('the duty to further)

- o Section 40 of the Natural Environment and Rural Communities Act 2006.

- o The Development (Local) Plan 1991-2011 Policies 97 (AONB) and 102/103 (Sites of Importance to Nature Conservation) and Core Strategy 2006-2031, section 16 (Enhancing the Natural Environment).

- o The National Planning Policy Framework, 182 (AONBs) 185 (biodiversity) and 186 (mitigation) and 187 (SAC's habitat status).

- o Chilterns AONB Management Plan 2019-2024.

- o Dacorum BC, (2022) 'The Chilterns Beechwoods Special Area of Conservation Mitigation Strategy' (Nov 2022).

- o Natural England's (2021) Guidelines for Creation of Suitable Alternative Natural Greenspace (SANG), appendix one criteria.

- o Footprint Ecology (2022) Visitor Survey Recreational Impact (Chris Panter et al).

3.2. This development management policy area has gathered pace since 2022. The Chilterns AONB Management Plan pre-dates it (published 2019) and does not include a specific reference to SANGs. However, the principles that lie behind SANGs are embedded throughout the AONB Management Plan, including reducing the (cumulative) impacts of new development, reducing visitor pressure on sensitive sites, and providing new facilities within the designated landscape to encourage access to nature and the countryside and facilitating the enjoyment and understanding of the special qualities of the National Landscape. Planning weight can, therefore, be attributed to the Management Plan, consistent with Planning Practice Guidance ('They may contain information which is relevant when preparing plan policies, or which is a material consideration when assessing planning applications'. Paragraph: 040 Reference ID: 8-040-20190721, Revision date: 21 07 2019).

4.0. Detailed Chilterns National Landscape (CCB) Comments on the planning principle.

4.1. For this application, we propose to submit the following detailed comments:

4.2. The starting point is the special qualities of the AONB, as detailed in both the AONB Management Plan and, in this case, as detailed in the Hertfordshire Landscape Character Assessment (LCA) 122 Nettleden Ridges and Valleys. The predominant landscape character is, 'defined by the strongly undulating topography and the cover of extensive arable fields and relict parkland features'. Rolling topography, arable fields, relict and designed parklands, and woodland define this character. Guidelines to conserve and restore the landscape character in this LCA include a reversion from arable land to pasture and chalk grassland, ensuring a balance between visitor needs, conserving the landscape and promoting the use of ancient woodland through education and access. The AONB Management Plan sets out the principal special qualities at its pages 10 and 11 and in chapter 5 (nature) and chapter 7 (land, woodland and water).

4.3. The key tests for a SANG located within the AONB include:

4.3.1. It is part of or adjacent to the development that is the nominal source of the visitor pressure,

4.3.2. If not, will it be significantly easier to get to from the source development (i.e. by noncar means), and

4.3.3. It will it be designed in such a way as to conserve and enhance the special qualities of the AONB, before any consideration is given as to whether it will increase the understanding and enjoyment of the AONB, which it must also deliver.

4.4. Under 4.3.1, the location is some 2.8 km at the closest point from the SAC and accessible to visitors from Berkhamsted and Hemel Hempstead. 4.3.2 cannot be determined because we do not know the source development. 4.3.3 requires that the highly valued host AONB

landscape is enhanced. The creation/reinforcement of various habitats within the site are prerequisites for creating a semi-natural perceptual landscape that will attract visitors and draw them away from otherwise recreating within the nearby SAC. This element of 'capture' is critical. The application site is farmed for arable production, neighboured by a Grade II\* historic landscape (registered park and garden) and contains an ancient woodland at Heizdin's Wood. The topography is instinctively attractive, with near and far views of Chilterns woodland and chalk downland. Several public rights of way have already been crisscrossed on the site, including the Chiltern Way, promoting the understanding and enjoyment of the AONB. The topography creates some steep gradients in places.

4.5. The principal of a SANG's location must be determined. In this case, more information is needed. Once this is established, detailed consideration must be given to the DBC, Natural England (NE), and Footprint Ecology guidance. NE has produced a comprehensive set of criteria in their 2021 SANGs guidance appendix. In the papers, the applicant's landscape agent does examine that document.

4.6. No housing sites are explicitly identified. We accept that the Dacorum Guidance does not explicitly require that, but in this case, the material merits render such information vital and necessary. The applicant's estimation, in the papers, is that this SANG supports the future allocation of 5,884 new residents or 2,452 dwellings (assuming 2.4 people per dwelling). This point reinforces our earlier concern that a lack of information on the linked housing is important. Without that information, assessing or gauging the impacts within the context of the potential preferred options to be promoted by the future Local Plan is impossible. In other words, should a north Hemel allocation be pursued that offers a better allocation for a comprehensive SANG and one that potentially assists in conserving the setting of the Chilterns AONB's southern boundary, it should be preferred.

4.7. In summary, we are concerned that a lack of strategic planning, in this case, could result in a sporadic rollout without proper regard to the core objectives of the approved mitigation strategy, i.e. to capture visitors and deflect them away from the Chilterns Beechwoods SAC. The Dacorum Mitigation Strategy (2022) states at its 3.5.4. The identification of new (bespoke) SANG will need to be agreed with the Competent Authority and/or Natural England ....'. We can see that some pre-application advice has been sought from Natural England but not from the LPA, as far as we could ascertain.

4.8. We acknowledge that this application is comprehensively detailed and well-presented. Taking a holistic view and being aware of this location, just to the north of Gadebridge, we would want to be reassured that its location is not better served by the broad location of a SANG to the immediate north of any Hemel preferred option, should that be pursued. We need to know the applicant's likely intended housing sites, which must be within a 5km radius. This is a material consideration of some note.

4.9. The relevant SANG's policy framework covers the Footprint Ecology Study, Natural England (2021), and the Dacorum (2022)

guidance. The combined effect of these policies assumes that the new SANGs will be footloose within the zone of influence and/or within 5km of the proposed housing sites. No specific locations are proposed. However, the housing location, to be mitigated by the SANG scheme, is material. It makes sense for the mitigation to be 'logical' and, therefore, rationally placed near the growth allocation in any forthcoming Local Plan.

5.0. Detailed points, subject to the Planning Principle being established.

5.1. A relevant checklist is in the published Natural England (2021) Guidelines for Creation of SANGs, annexe one. This guidance points to detailed matters with respect to the car parking layout, the anticipated split of the intended modal split between cars and other modes of arrival/departure and the recreational impact upon the Ancient Woodland and details within the Management Plan.

5.2. Relevant material planning considerations include the resulting landscape character and its perception, as well as improvements to conserve and enhance the AONB, consistent with the s85 duty and the new 'duty to further' the conservation and enhancement of the AONB, Local Plan Policy 97, the NPPF 183 and the AONB Management Plan (as detailed above). The applicants seek to enhance some historic field patterns, introduce new meadows and woodland planting, reintroduce some woodland planting in the southeastern corner and create a circular walking route with interpretation, signage and viewpoints/vistas, with benches and interpretation to highlight those benefits. Other detailed aspects, following the detailed guidance, include a circular or suitable walking route of 2.3 km, signage/interpretation, a designed landscape that is perceived to be safe, the avoidance of nuisance (visual intrusions, noise, pollution), maintenance of paths and the delivery of a management regime.

5.3. The applicants produce a useful tabulation in Table One and Paragraph 3.5 of their submitted SANG Framework Management Plan. In assessing these individual elements within an AONB location, we would promote a 'holistic' assessment of the AONB's landscape character and the perceptual landscape experienced. That perceptual landscape combines sensory and cognitive emotions, following the guidance published by the Landscape Institute (the knowledge gained from sources and experiences). In that assessment, the resulting AONB landscape would have to conserve and enhance the existing site, be naturalistic and deliver a long-term sustainable landscape improvement. The key test (combining the s85 duty with the Local Plan 97 and NPPF 183) is the delivery of an improved AONB landscape instead of just 'nil harm'. The LPA must now exercise a decision-making duty to further the conservation and enhancement of the AONB, as set out in the new 'duty to further' (s245 of the LURA 2023 as updating s85 of CROW). The planning applicant must, therefore, demonstrate how that is achieved. The proposed biodiversity and ecological improvements, partial landscape restoration (southeast corner) and tree planting and meadow grassland habitat creation all contribute towards this key test. The

applicants say that the land is a 'ready-made SANG'; however, that requires the delivery of a robust SANGs Delivery Framework Document as a critical prerequisite, and we have commented on that as above. The car park location does not satisfy this test, resulting in landscape harm in this proposed location.

5.4. Car Parking design - This location is visible within the wider AONB landscape and must be seen as a clear negative when planning weight is attributed to landscape harm. The NPPF requires that 'great weight' be given to the AONB's conservation and enhancement. We accept the need for some car parking, and its design needs to be modest and informal. Access gates from the car park to the landscape must be suitable for wheelchair users and visitors with buggies.

5.5. Access to the Ancient Woodland is problematic. Its presence within the SANG adds considerably to the landscape quality and fits with the surrounding wooded landscape. Following Natural England's standing advice on Ancient Woodlands, a separation of 15 metres is ordinarily required. That relationship is not possible here with the PROW network crisscrossing the wood. With the SANG established, then further recreational access must be anticipated. To assist all parties, the applicant may want to set out examples of how the deployment of signage/interpretation/brush and deadwood borders has or has not worked in other case studies. In reference to woodland restoration works, long-term management (see page 22 of the SANG Framework Management Plan) requires a specific stipulation to monitor any transgression from the paths, with damage or disturbance to the Heizdin's Wood Ancient Woodlands.

5.6. The SANG Framework Management Plan and the BNG provision of 76 habitat units must be framed within a legal agreement. Again, regarding the oft-mentioned 'targeted safeguards and long-term woodland management', whilst it may be premature to expect considerable details at this stage, we recommend a mechanism is built into the Management Plan to set out and monitor and even remediate any miscreant visitor's behaviour. The Framework Management Plan must refer to a monitoring and remediation strategy where damage or disturbance is recorded, and remedial actions identified.

5.7. Any legal agreement covering the Management Plan must be secured at the planning application stage. In past examples, Natural England has asked for the inclusion of SANG costings and tariff for in-perpetuity (minimum 80 years) management of the site within the SANG Management Plan and confirmation of who will manage the SANG in perpetuity.

5.8. We would ask that suitable external consultations be conducted with access user groups. This SANG must be accessible to all users, including ambulant visitors, people with buggies and wheelchair users. The surface treatment of some, if not all the circular walk appears to be 'mown grass'. We think it is possible to surface some of the tracks with a suitable, low-impact, low-maintenance surface that allows all users access throughout the year. A Breedon gravel surface or similar

	<p>may readily suffice. The NE (2021) guidance case study at Edenbrook Country Park offers an example of well-surfaced paths and provisions for wildlife.</p> <p>5.9. Access gates must be readily accessible to all visitors, including buggy and wheelchair users. Some of this could be controlled by condition and discharged later; however, user groups must be consulted on this application. This proposed SANG's circular walk configuration and the topography's gently rolling contours make this a suitable location for many users. Promoting more comprehensive access to the countryside is essential, an initiative that the CNL/CCB has been working to promote.</p> <p>The key focus here must address the concern that sporadic and incremental SANGs can inhibit a strategic and planned SANGs approach. The Dacorum 2023 Revised Strategy for Growth is relevant; as the LPA progresses, we strongly promote a 'joined-up approach' to housing growth and its implications for appropriately mitigating recreational impacts upon the Chilterns Beechwoods SAC.</p>
BCA Townscape Group	The BCA Townscape Group has commented: N/A
The Chiltern Society	<p>The Chiltern Society strongly objects to this application for the following reasons. The Society understands the need to protect Ashridge SAC to which end suitable alternative green space (SANG) is required to divert visitors who would otherwise visit Ashridge. However, the proposed SANG on land between Potten End Hill and Nettleden Road is totally unsuitable and is contrary to the Guidelines to SANGs adopted by Natural England and Dacorum Borough Council.</p> <p>Appendix 4: Guidelines for the creation of Suitable Accessible Natural Green Space (rev 3: April 2008) which followed the guidelines issued by Natural England (with minor changes) states: '...SANGS should seek to avoid sites of high nature conservation value which are likely to be damaged by increased visitor numbers.'</p> <p>The SANG Guidelines accept that 'The effectiveness of SANG as mitigation will depend upon the location and design. These must be such that the SANG is more attractive than the SPA to users of the kind that currently visit the SPA.'</p> <p>The National Planning Policy Guidelines (revised December 2023) states in Para. 182: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight.</p> <p>Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for</p>

food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Policy CS24 of the Dacorum Core Strategy, Chilterns Area of Outstanding Natural Beauty, states: The special qualities of the Chilterns Area of Outstanding natural Beauty will be conserved. Whilst Policy 97 of the Adopted Local Plan states:

In the Chilterns Area of Outstanding Natural Beauty the prime planning consideration will be the conservation of the beauty of the area; the economic and social well-being of the area and its communities will also be taken into account. Any development proposal which would seriously detract from this will be refused. Wherever development is permitted it will be on the basis of its satisfactory assimilation into the landscape. Every effort will be made to discourage development and operations that would adversely affect the beauty of the area and goes on to state;

- Development must not be intrusive in terms of noise, disturbance, light pollution, traffic generation and parking.
- Extensive recreational facilities such ... country parks must be carefully integrated with the landscape, natural vegetation and natural ground contours.
- Intrusive fencing and illumination are not acceptable.
- Informal outdoor recreation allowing the quiet enjoyment of the countryside is encouraged, but careful attention will be paid to the provision of associated ancillary facilities such as car parks and toilets in order to minimise their impact on the local scene.

The site is within the Chilterns National Landscape (Chilterns Area of Outstanding Natural Beauty) and is in the 'High Gade Valley', Area 123 of the Dacorum Landscape Character Assessment. The steep valley sides offer long views along the open valley, with mixed farmland, woodland blocks and the meandering River Gade and adjacent water meadows. A prominent feature is Gaddesden Place and its parkland. It is a fine Grade II Palladian villa which dominates views. Given the topography, there are fine views from numerous public vantage points. Heizdin's Wood, along the summit of the steep slopes, is an ancient woodland and an habitat for some protected species of flora and fauna, specially ground nesting birds and protected mammals.

At present there are public rights of way across the site, namely GG62,63,64 which is effectively one continuous footpath leading from the northern end of Potten End Hill (near Bingham's Park Farm), around Heizdin's Wood, and towards Nettleden Road. Pedestrians rarely stray from these designated paths. If the SANG is popular, there will be increase in footfall. The introduction of the SANG, with its associated car park together with ad hoc planting will totally alter the character and appearance, not only of the site itself, but the wider vistas of the river corridor. It will do little to increase biodiversity given the requirement for unencumbered access for people, dogs, and cyclists. Additional footfall will lead to a damaging effect on the ancient

woodland which is the focal point of the site. Large numbers of people together with dogs will have a severely detrimental affect on the current quiet enjoyment of the area. This site will become popular with commercial dog walkers, which has resulted in problems elsewhere on public open spaces (where possible, some have been banned). The increase in popularity of specifically designated sites purely for dog walkers negates the need to provide the loss of this area which will cater predominantly for people walking dogs as the Guidelines for SANGs acknowledges as the main users.

At a recent public meeting, the developers of LA3 in Hemel Hempstead, stated that this SANG is required to mitigate their development of 1100 dwellings on the south western side of Hemel Hempstead. This development is some four miles from the proposed SANG. The Ashridge Visitor Centre, whilst slightly further, provides a vast wooded environment, cafe, shop, toilets, the Bridgewater Monument and numerous parking areas. The National Trust is also intending to divert some visitors away from the main visitor area by providing other attractions on the Estate at Hill Farm, Northchurch, Pitstone Quarry and Wards Hurst Farm in Beacon Road, Little Gaddesden. The proposed SANG will offer no such 'attractions', merely a car park and open fields. Any new planting will take years to mature. Therefore, it will completely fail to divert, intercept or provide a credible alternative for recreational visits to Ashridge.

As there are few residents living within the 5 - 20 minute walk from the site, the majority of visitors to the proposed SANG will travel by car, hence the extensive car park. This will further add to the noise and disturbance of the quiet countryside and given that illumination will be unacceptable in the dark countryside, it could result in anti social activities. Advice from the police must be sought. Access to the site by pedestrians is extremely dangerous as there are no footpaths along Nettleden Road, Potten End Hill or this part of Leighton Buzzard Road. All these roads carry fast moving traffic including heavy vehicles and the proposed access off the lower part of Potten End Hill is dangerous with fast moving traffic coming from Potten End and vehicles turning off Leighton Buzzard Road. To achieve adequate site lines a long section of mature hedgerow will be removed, further damaging the wildlife and the appearance of the area. There is already severe traffic congestion at certain times of the day leading to Water End Bridge North (a Listed structure) and further traffic will increase the pollution of the area. There is no bus service through Potten End and only 2 buses a day (Red Eagle) along the Leighton Buzzard Road. The Council's aim is to reduce carbon emissions by reducing reliance on cars but this site is impossible to get to by public transport, further polluting the area.

The SANG is required retrospectively for LA3, (although the developers already have the Castle Hill land earmarked as a SANG). Regrettably, the previous government's aim of providing 'access to green space within a 15 minute walk from their home' is not incorporated into housing sites, nor is the lament of the Children's Play Advisory Services for the provision of 'spaces to play close to their homes' taken on board. The provision of large SANGs far from the dwellings they aim to serve is just the easy and cheap option favoured

	<p>by developers but in this instance, severely damaging to the character and appearance of the Chilterns AONB, which, to reiterate, has the highest status of protection in relation to conserving and enhancing the landscape and scenic beauty. A bland dog walking park totally fails to do this.</p> <p>When considering this proposal, the bigger picture needs to be considered. The proposal will lead to the permanent loss of over 47ha (116acres) of prime agricultural land which is currently under crops. As well as changing the character of the area it would make the land unavailable for the growing of food. In times of changing farming subsidies, supply chain difficulties (as highlighted in the pandemic), the desire to reduce food miles and uncertainties with grain supply from Ukraine (which is ongoing), this loss of this land (together with losses elsewhere under the creation of SANGs in the Borough) is significantly harmful. Taking an average of 9 tonnes per ha. the land for this SANG can provide some 423 tonnes - a not insubstantial amount! In these uncertain times, agricultural land, especially good quality land, should be safeguarded to maintain and enhance Britain's food security and supply as clearly acknowledged in government guidelines.</p> <p>The provision of large SANGs far from the dwellings they aim to serve is just the easy and cheap option favoured by developers but in this instance, severely damaging to the character and appearance of the Chilterns AONB, the loss of good quality agricultural land, the increase in pollution by vehicles, noise and disturbance to wildlife and dangerous traffic conditions, all clearly contrary to both National and Local policy.</p> <p>Therefore, the Chiltern Society strongly objects and respectfully requests that the application is refused.</p>
The Countryside Charity	<p>I write with regard to the above application for the provision of Suitable Accessible Natural Greenspace (SANG) in respect of the mitigation of the impacts of public use on the Chiltern Beechwoods Special Area of Conservation (SAC). CPRE Hertfordshire is aware of the Mitigation Strategy agreed by Dacorum Borough Council and supports the provision of appropriate and significant SANG in the right locations while wishing to raise the following concerns about this application.</p> <ol style="list-style-type: none"> <li>1. CPRE Hertfordshire is concerned that the Mitigation Strategy achieves the objectives of reducing the detrimental impacts of over-use at the Ashridge Estate, and is not seen simply as a means of developers discharging planning obligations for proposed developments without considering the full range of impacts on the locations selected. This is particularly important given the protection afforded by Green Belt, Rural Area and National Landscape (AONB) designations at this location.</li> <li>2. The impacts on wildlife on the subject site could be severe and a major concern is the impacts on the four ground-nesting bird species known to be present on the SANG; corn bunting, (now a rare and rapidly-declining species with a national decline of 83% between 1967</li> </ol>

	<p>and 2020) grey partridge, yellow wagtail and skylarks. These are Section 41 species and thus protected by paragraph 185b of the National Planning Policy Framework (December 2023) and they are likely to be displaced and disturbed by dogs roaming freely.</p> <p>3. Increasing visitor numbers to the SANG area with dogs are likely to lead to increased access to the banks of the River Gade at Water End via the Public Right of Way which crosses the SANG site and crosses Nettleden Road to reach the riverside. This is a Local Wildlife site and an area of wet meadow, very liable to wear and tear through over-use which could increasingly pollute the river, an internationally recognised chalk stream.</p> <p>4. It is inappropriate in our view that measures designed to protect the SAC could damage another important habitat, and one which is less robust than the SAC itself. The wet meadow area is increasingly being used by commercial dog walkers and there is a local concern that the SANG could become similarly affected.</p> <p>5. The planning application includes very limited indications of how and for how long the SANG is to be managed for the benefit of local communities and visitors. In the event that the Council grants permission, it should satisfy itself that the mechanism for continual maintenance is robust and long-lasting.</p> <p>6. It will be necessary to include strong legal obligations on any institutional arrangements which are made with the developers and their agents. Any successor organisation should have clearly drawn responsibilities to maintain the high quality of this protected rural landscape and possess the resources to undertake necessary maintenance and management in perpetuity.</p>
<p>Conservation &amp; Design (DBC)</p>	<p>Proposed SANG Site, Land adj Nettleden Rd, Potten End</p> <p>Change of use from agricultural land to Suitable Alternative Natural Green Space (SANG), together with a vehicular access, car park, paths, fencing and landscaping</p> <p>The application is for the change of use of arable / grassland fields to an area of Suitable Alternative Natural Green Space (SANG) to mitigate the potential recreational impacts of residential development upon the Chilterns Beechwoods Special Area of Conservation ('SAC')</p> <p>The site lies within the Chilterns National Landscape and the southern part of the site lies within the Green Belt. The proposed site occupies the sides of a valley which rises above Nettleden Road to the north and the River Gade to the east. The small settlement at Water End, which is a Conservation Area, lies immediately east of the Site, and the eastern end of the site lies within the boundary of the Conservation Area. There are listed buildings to the south side of Nettleden Road, including Moor Cottage (grade II* listed) which is the closest listed building to the site. A Heritage Setting Assessment has been submitted in support of the application.</p>

	<p>The introduction of a car park including a formalised entrance (with associated gate / height barrier and signage) will detract from the setting of the Conservation Area. However, it is acknowledged the additional screening and hedgerows proposed in the vicinity will limit this impact. Any harm is thought to be at the lower end of 'less than substantial'.</p> <p>The Heritage Setting Assessment ascribes a similar level of harm to the setting of Moor Cottage (grade II*), like with the car park a lot will depend on how sympathetically the planting / screening is established.</p> <p>The site forms part of the wider setting to Gaddesden Place house (and its surrounding parkland) which lies in an elevated position to the east of Water End, with views to the west and across the SANG site. The change from arable fields to grassland / meadow with additional hedgerows will preserve the wider setting of Gaddesden Place but there are concerns the car park may be visible - potentially harming its wider setting. Any harm will likely be at the lower end of 'less than substantial'.</p> <p>In terms of the designated heritage assets, the less than substantial harm identified to their significance (through development within their setting) will need to be weighed against any public benefits the proposal may possess, as per NPPF para. 208.</p> <p>The wider setting of the Grade II* Ashridge Estate registered park and garden, Frithsden Conservation Area, Nettleden Conservation Area and Bingham's Park Grade II listed building will be preserved.</p> <p>As a general point, encouraging people to get in their cars to drive to an area of SANG does not seem sustainable and there is a concern that the increase in visitor numbers could put pressure upon the water meadows within Water End.</p> <p>The inclusion of interpretation boards within the SANG site is welcomed but these need to be co-ordinated and well researched by a specialist to ensure they tie into the site and its wider surroundings - they should be agreed via a condition of consent.</p> <p>A detailed long-term Management Plan should be required as a condition of any consent.</p>
Environment Agency	Despite being in SPZ1 the proposed works are non-contaminative, and so are likely to have low risk.
Environmental And Community Protection (DBC)	<p>Environmental Health Pollution Team:</p> <p>With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, Air Quality and Invasive and Injurious Weeds which we respectfully</p>

request to be included in the decision notice.

Working Hours Informative

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

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

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

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

Construction Dust Informative

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

Waste Management Informative

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

Air Quality Informative

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

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

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

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

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

#### Invasive and Injurious Weeds - Informative

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

Environmental Health Land Contamination Team:

Having reviewed the planning application I am able to confirm that there is no objection to the proposed development. However, it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where present that it will be remediated.

This reflects the historical presence of three landfill sites within the application site boundary and the formalisation of public access to the application site.

#### Contaminated Land Conditions:

Condition 1:

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

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

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

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

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

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

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

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

Condition 2:

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

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

Informative:

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

	<p>Guidance on how to assess and manage the risks from land contamination can be found here:</p> <p><a href="https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm">https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</a></p> <p>and here:</p> <p><a href="https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8">https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8</a></p>
Historic England	<p>Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.</p> <p>We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <a href="https://historicengland.org.uk/advice/find/">https://historicengland.org.uk/advice/find/</a></p> <p>It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.</p>
EDF Energy	<p>Please be advised that my Company has no objections to the proposed work. (UK Power Networks)</p>
Forestry Commission	<p>The Commission is a non-statutory consultee on developments in or within 500m of ancient woodland. As a Government department we neither support nor object to planning applications, but endeavour to supply the necessary information to help inform your decision on the application.</p> <p>Within the site area is Heizdins Wood, an Ancient Semi Natural Woodland.</p> <p>Ancient woodlands are an irreplaceable habitat. They have great value because they have a long history of woodland cover, being continuously wooded since at least 1600AD with many features remaining undisturbed. Decisions should be made in line with paragraph 186 (c) of the National Planning Policy Framework, which states: "Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists"</p> <p>As Ancient woodland, ancient trees and veteran trees are irreplaceable, you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal.</p> <p>We also particularly refer you to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland - plus supporting Assessment Guide and "Keepers</p>

	<p>of Time" - Ancient and Native Woodland and Trees Policy in England.</p> <p>The importance of Ancient Woodland, is not just in the age of the individual trees. The Arboricultural Report focusses on the impact on individual trees within the site and states that the impact of the development on trees is minimal. It is therefore unclear if any assessment has been undertaken in relation to the impacts of the proposal on the ancient woodland habitat as a whole.</p> <p>The Joint NE/FC Standing Advice states that both the direct and indirect effects of development should be considered for both the construction and operational phases of the proposed development.</p> <p>Not just including the potential for actual construction to impact on soils, trees and tree roots. But also the potential for effects when the development is in use and has a likely increase in visitor numbers. Other impacts to the ancient woodland, for example can include trampling of plants and erosion of soil from additional people with accompanying domestic pets, therefore also reducing the resilience of the woodland and increasing disturbance to wildlife.</p> <p>We note plans for supplementary woodland planting on the south eastern corner of the Ancient Woodland, however it is unclear how this will help alleviate visitor pressure on the Ancient Woodland.</p> <p>Although mention is made of employing a 15m buffer for the Ancient Woodland and utilising construction exclusion zones, there is no details of how the stock proof fence and kissing gates will be apparently installed within the Ancient Woodland as detailed in the landscape strategy plan.</p> <p>Ancient Woodlands should have a buffer zone of at least 15m from the boundary of the woodland. Buffer zones should consist of semi-natural habitats including woodland or a mix of scrub, grassland and heathland.</p> <p>The Local Authority may wish to request that an ecological survey of the woodland is undertaken and that a tree protection plan is secured by condition.</p> <p>The biosecurity of all planting stock also needs to be considered. Woodlands need to be climate, pest and disease resilient. Planting should contribute to a resilient treescape by maximising connectivity across the landscape. Plans should also be in place to ensure the long term management and maintenance of any new and existing woodland, with access also needing to be considered for future management.</p> <p>We hope these comments have been useful to you. If you require any further information, please do not hesitate to contact me.</p>
Hertfordshire Highways (HCC)	<p>AMENDED PROPOSAL</p> <p>Change of use from agricultural land to Suitable Accessible Natural</p>

	<p>Green Space (SANG), together with a vehicular access, car park, paths, fencing and landscaping</p> <p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions.</p> <p>Comments</p> <p>A Biodiversity Gain Plan has subsequently been submitted as part of the application. HCC as Highway Authority would have no additional comments to its response dated 17/06/2024.</p>
Hertfordshire Highways (HCC)	<p>With reference to the above Town &amp; Country (T&amp;C) planning application, please be aware that there is a process within Hertfordshire that was agreed with all districts some years ago. The following procedure was agreed:</p> <p>All T&amp;C planning applications should be sent directly from the local district planning department to Hertfordshire Highways, who will then review the application for Hertfordshire Fire &amp; Rescue Service (HFRS) against our 'Access &amp; facilities for the fire service' requirements. If Highways then feel there may be an issue, or require further clarification, they will forward the application to HFRS highlighting their specific concerns. HFRS will review the application before replying to the relevant district planning dept with our comments.</p> <p>We trust this explanation of the process makes sense. Should you require any further clarification about this process, please contact <a href="mailto:administration.cfs@hertfordshire.gov.uk">administration.cfs@hertfordshire.gov.uk</a> who will pass your query to the relevant officer. Please forward all future planning applications to Hertfordshire Highways.</p> <p><u>Recommendation</u></p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1. No development shall commence until details have been submitted and approved in writing by the Local Planning Authority to illustrate the following:  An appropriate level of disabled / accessible vehicle parking;  Confirmation as to the level of on-site cycle parking;  Comments or recommendations from the rights of way officer as to any comments or recommendations in respect to the rights of way surrounding and through the site and/or any improvements that may be secured.</p> <p><u>Reason:</u> To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's</p>

Local Transport Plan (adopted 2018)

THE ABOVE MAY BE MORE APPROPRIATE TO BE SECURED DURING THE CONSULTATION PERIOD RATHER THAN A FORMAL CONDITION

2. A: Highway Improvements - Offsite (Design Approval)

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as indicated on drawing number 16-021-257 J have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- New bellmouth access and any associated works
- Temporary construction access arrangements

B: Highway Improvements - Offsite (Implementation / Construction)

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

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

3. Provision of Access and Parking

Prior to the first use of the development hereby permitted, the proposed access and any other necessary highway works, on-site hardstanding and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

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

4. Construction Management Plan / Statement

No development shall commence until a Construction Management Plan / 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.

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) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

AN) 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 website

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

#### Comments / Analysis

The application comprises of the change of use of agricultural land to a SANG on land at Potten End Hill. Potten End Hill is designated as a classified C local distributor road, subject to a derestricted speed limit of 60mph and classed as P1/M2 (inter-urban road) on HCC's Place and Movement Network.

Parts of Public footpaths Great Gaddesden Bridleway Berkhamsted 062, 063 and 064 run through the site.

A Transport Statement (TS) has been submitted as part of the application.

#### *Access*

The proposals include a new access point from the highway in the form of a simple priority junction / bellmouth access, providing vehicular access to a car park. The design is shown on submitted drawing number 16-021-247 J and includes a carriage opening width of 4.8m leading to a carriage width of 5.5m, which would enable 2 vehicles to pass one another. Vehicle to vehicle visibility splays of 2.4m by 160m are illustrated to either side of the proposed access point. The applicant carried out speed surveys (the records of which are in appendix D of the submitted TS). The recorded average daily 85th percentile speed for vehicles travelling northbound was 47.3mph and travelling east was 42.9 mph and therefore the above visibility levels are considered acceptable and sufficient to ensure visibility levels in accordance with DMRB CD109 standards.

The existing hedgeline would need to be removed and replaced by a new hedgeline at the back edge of the necessary visibility splays. The submitted proposed site plan (drawing number 16-021-257 J) states that the "existing hedgerow to be translocated behind visibility splays". Following the granting of any planning permission, the applicant would need to enter into a Section 278 Agreement with the HA in relation to the works that would be needed on highway land including:

- New bellmouth access and any associated works including new hedgeline at the back edge of visibility splay.
- Any temporary construction access arrangements.

An extent of highway plan to clarify the works which would be within the existing highway (which it is acknowledged has been provided as part of this planning application) in addition to the submission of a Stage One Road Safety Audit and Designers Response for any of the proposed highway works would be required to be submitted as part of the 278 application.

#### *Public Rights of Way*

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

#### *Parking Level and Layout*

The proposal includes the provision of 50 car parking spaces. HCC as the Highway Authority would not have any specific objections to the overall level of car parking, which have been based on Natural England guidelines. Nevertheless DBC as the parking and planning authority for the district would ultimately need to be satisfied with the overall level and type of parking. It would also be recommended that the level of car parking is reviewed in future if there are any

	<p>detrimental impacts from vehicles parking on, or potentially causing an obstruction to, the surrounding highways. The dimensions and layout of the parking areas are considered to be acceptable by HCC as Highway Authority and vehicles would be able to turn around and egress to the highway in forward gear. There does not appear to be any disabled / accessible car parking spaces shown and therefore an appropriate number would need to be provided in this respect.</p> <p>The proposals also include a vehicle bay for a maintenance vehicle which would be supported to enable such a vehicle to park and also turn around on site and egress to Potten Hill End in forward gear. A swept path analysis /tracking plan for a large vehicle and trailer has been submitted to illustrate that such a vehicle would be able to access the site, vehicle bay and turn around.</p> <p>The proposals also include cycle parking stands (although the exact level of provision is not clear from the submitted plans). It would be recommended that the level of cycle parking is increased as and if demand arises for it.</p> <p><i>Trip Generation &amp; Distribution</i></p> <p>A trip generation assessment for the proposed use has been included as part of the TS, the approach of which is considered reasonable when taking into account the nature of the use (and lack of comparable sites on the TRICS database). Following assessment of these details, the impact on the operation of the surrounding highway network from a trip generation perspective would not be a reason to recommend refusal from a highways perspective.</p> <p><u>Conclusion</u></p> <p>HCC as Highway Authority has considered that the proposal would not have an unreasonable or severe impact on the safety and operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works at the access to the site. Therefore, HCC has no objections on highway grounds to the proposals, subject to the reference to, and inclusion of, the above planning conditions and informatives.</p>
Hertfordshire Ecology	<p>ECOLOGICAL IMPLICATIONS</p> <p>Overall Recommendation</p> <p>Further information and/or amendments required before the application can be determined.</p> <p>Summary of Advice</p> <ul style="list-style-type: none"> <li>- A General Biodiversity Gain Condition is required</li> <li>- Further conditions and/or legal agreements will be required to secure the net gain</li> <li>- Uncertainty surrounding the future management of woodland on the</li> </ul>

site will require the submission and approval of a revised SANG Delivery Framework

- Whilst the site meets the SANG Quality Guidelines, post-determination, until legal and other arrangements relating to the management body and step-in rights are resolved, we will advise the Council to not consent any applications for housing that seek to rely on the this SANG as mitigation for adverse impacts on the Chilterns Beechwoods SAC.

#### Supporting documents

I have made particular use of the following documents in providing this advice:

- o Design & Access Statement, Land at Potten End Hill, CSA Environmental, May 2024 (DAS)
- o Planning Statement, Land at Potten End Hill, Savills, May 2024
- o Preliminary Ecological Appraisal, CSA Environmental, May 2024 (PEA)
- o SANG Delivery Framework Document, CSA Environmental, May 2024)

#### Comments

Thank you for your letter of 25 June 2024 which refers, and for consulting Herts LEADS (Ecology); I apologise for the delay with this reply.

In my response I will lean heavily on comments made by Natural England in its letter of 1 July 2024 which I find are clearly set out and compelling.

#### Ecological assessment

Importantly, the Hertfordshire Environmental Record Centre (HERC) identifies the presence of the ancient woodland of 'Heizdin's Wood' Local Wildlife Site (LWS) in the centre of the site and 'Brown's Spring & Hollybush Wood' LWS adjacent to the south-western site boundary. Protected in policy and guidance, both represent potential considerable constraints on (and opportunities for) the proposed development.

Other than this, HERC has few records of notable habitats or species either within the proposed development site or on land nearby, reflecting the predominantly intensive arable land use in the area.

This opinion is reflected in the PEA which adds that all the woodland and hedgerows on site represent priority habitats and is considered to be of county and local importance, respectively. Further, it notes the local importance of the field margin grassland. In addition, whilst acknowledging that various features enjoyed varying degrees of protection in policy and law, and although not stated as such, appears to conclude that there will be no existing impacts on existing biodiversity that cannot be mitigated, Heizdin's Wood LWS will be safeguarded and the SANG will deliver a substantial net gain for biodiversity.

Importantly, regarding the latter, as will be seen later in this letter, the PEA states:

These woodlands will be subject to targeted safeguards and long-term woodland management to ensure no adverse effects from recreational use of the wider SANG.

Later, these measures are briefly described signage, brash/deadwood borders to footpaths and 'Initial woodland interventions and long-term management ...' with little further explanation here or elsewhere. Ancient woodland, in particular, are afforded special protection in Government standing advice.

Apart from these matters, I consider that overall, the PEA is fit for purpose, and, in principle, I have no reason to disagree with this outcome. However, I will return to points made above later on.

#### Avoidance/mitigation/compensation/enhancement

This positive outcome was dependent on the adoption of a series of avoidance, mitigation, compensation and enhancement measures for habitats and/or protected species, described at various points in section 5 of the PEA including, but not limited to the management of Heizdin's Wood (and other woodlands and hedgerows), the delineation of (woodland) paths, signage, restoration of parkland, careful siting of newly-created habitats, avoidance measures for protected species, the installation of waste bins, the protection of important trees and hedgerows and tree protection measures.

Although only brief details are provided in the PEA, I consider they represent reasonable and pragmatic proposals that bring with them a degree of confidence they will effectively reduce the impact of the proposals and safeguard future management of the site.

These would normally merit a condition to secure their implementation but as many are incorporated within the SANG Delivery Framework Document, I return to this point in the SANG section below.

#### Biodiversity net gain

The submitted metric (as summarised in the PEA) predicts a biodiversity net gain of 187.92 habitat units (187.62%) and 11.60 hedgerow units (48.56%) of which 110.18 units habitat units apply solely to the SANG leaves a surplus of 76 units which, it is intended, will be transferred to future residential applications within a 5km radius should they gain consent. However, s5.14 of the PEA states:

'The calculation undertaken has taken into account any planting or habitat creation which is essential for the delivery of the SANG, ensuring that any BNG demonstrated is additional to the SANG requirements. Measures required for SANG and those additional are clearly identified within the comments sections of the Biodiversity Metric spreadsheets ...'.

Unfortunately, I could see no compelling evidence in the 'comments' section and so I have relied on the summary provided by the PEA which appears reasonable. However, my calculations identified a surplus of approximately seventy-eight habitat units. Other than noting the Planning Statement suggests a greater gain in habitat units of 207.10%, I have no reason to doubt this though perhaps this explains this discrepancy which should be ironed out prior to determination but does not affect the relative merits or otherwise of the scheme at this stage.

Importantly, it is assumed that the applicant wishes that considerable weight will be attached to the delivery of a net gain in excess of the mandatory minimum. Therefore, the predictions made must be consistent, justified and subsequently delivered.

In saying this, I note the trading rules are satisfied and that the ('irreplaceable') ancient woodland of Heizdin's Wood LWS will remain unaffected and not only will there be no habitat loss but that no measures to achieve a net gain will be carried out in the woodland. Again, I will return to this point later.

Ultimately, only long-term monitoring would demonstrate how these communities develop and whether the considerable net gain claimed is being achieved. In time, this may require changes in management if not. However, I remain satisfied that a BNG in excess of the mandatory, minimum requirement of 10% could be delivered for both the SANG and 'non-SANG' components of the proposed development.

Consequently, I have no reason to disagree with the outcomes shown, and, therefore, I am of the opinion that the delivery of a biodiversity net gain should not represent a fundamental constraint on the proposed development or reason for objection.

In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for biodiversity net gain, which came into effect on 12th February 2024, every grant of planning permission, subject to some exceptions, is expected to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The application is automatically subject to a General Biodiversity Gain Condition, which requires the delivery of a Biodiversity Gain Plan. It is recommended that the plan provided is in line with the DEFRA Biodiversity Gain Plan template. This condition should be kept separate to the list of conditions imposed in the written notice if the Council is minded to grant consent. The Biodiversity Gain Plan must be submitted to, and approved by, the Council before any development can begin.

Given that the claims for BNG for this site comprise a substantial increase in biodiversity value relative to the value before development (due, primarily, to the conversion of arable farmland to other neutral grassland) it is recommended that in this instance, the Council also secures the plan via a legal agreement, either by a s106 agreement or conservation covenant.

Further, given the need for a legal agreement and by reason of its scale, the predicted net gain can be considered to be 'significant'. Therefore, it is recommended the production and implementation of a Habitat Management and Monitoring Plan (HMMP) should also be secured by condition (ie one to be imposed on the written notice with any permission granted).

This will demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions will be created, enhanced and monitored over the 30-year period following the completion of the capital works required to create them. It is therefore, recommended that the HMMP should follow the HMMP template produced by DEFRA.

Consideration should also be given within any legal agreement to secure resources to allow adequate monitoring over the 30-year period.

#### SANG

In its response, Natural England has confirmed that the site meets the SANG Quality Guidelines and given clear reasons why. From the description provided in various submitted documents, I have no reason to disagree with this and, given Natural England's response there is no reason for me to reiterate this here.

It is proposed the management of the SANG should be secured via implementation of the SANG Delivery Framework Document, itself to be secured via a condition or s106 agreement. I consider the document and the approach to implementation to be reasonable, proportionate and largely fit for purpose for this stage of the planning process, although the following caveats apply.

The same intention to deliver woodland management across the site, including Heizdin's Wood is repeated in s3.6-3.9 of the Framework as in the PEA (and as referenced in the DAS and Planning Statement). Given that it is assumed the SANG Delivery Framework Document will be the main delivery document the absence of any (even high-level) prescriptions (other than broad intentions) in section 3 or section 5 or Appendix F means the proposals are inadequately described to the extent it casts doubt on the overall outcome.

I acknowledge that much of the detail concerning land and habitat management will be delivered in future biodiversity net gain documents and need not be repeated here at present though this may be required in the future. However, this point is made more important as, the BNG metric makes clear, there is to be no management or enhancement of the ancient woodland.

Further, the PEA states:

'... is anticipated to be an intrinsic draw to potential users of the SANG and was part of the reasoning for selecting the Site ... The presence of the woodland is intended to provide a genuine alternative experience to the Chilterns Beechwoods SAC.'

The DAS (and similar text in the Planning Statement) adds:

'Existing access through the woodland will remain and will form part of the wider walking routes that connect to the SANG.'

Given this, the pressures anticipated and the inherent fragility of ancient woodland in particular, it becomes imperative that the

mitigation measures suggested are more fully described to allow scrutiny. Otherwise, the need to avoid the deterioration or direct harm may lead to conflicts with the Natural England/Forestry Commission standing advice. This only allows harm to arise for '... wholly exceptional reasons and where there's a suitable compensation strategy in place ...'. I doubt the provision of a SANG would meet the 'wholly exceptional reasons' test.

Natural England highlighted similar concerns on page 3 of its letter and recommends these be incorporated within a revised 'management plan'. I agree. It should also clearly explain any relationship with management associated with the delivery of a biodiversity net gain and also ensure it contains all the suggested avoidance, mitigation and enhancement measures suggested in the PEA, for habitats and species. This would make for a more coherent set of requirements should the proposed development be consented.

Therefore, the SANG Delivery Framework Document should be amended prior to determination. Once amended to the Council's satisfaction, I recommend the SANG Delivery Framework Document should be secured by condition or within a s106; at this later stage, full details relating to the long-term management of the SANG must be provided.

Furthermore, on pages 4 & 5 of its letter, Natural England also describes at length its concerns with the identification of a management company and step-in rights. I endorse these views and there is no need for me to state anything further other than to emphasise the importance of Natural England's advice as the statutory adviser on these matters.

Accordingly, post-determination, until legal and other arrangements relating to the management body and step-in rights are resolved, we will advise the Council to not consent any applications for housing that seek to rely on the Potten End SANG as mitigation for adverse impacts on the Chilterns Beechwoods SAC. Otherwise, the strict tests demanded by the Habitats Regulations 2017 (as amended) that the Council must be able to ascertain the absence of an adverse effect on the integrity of the Chilterns Beechwoods SAC prior to determination may not be satisfied.

#### Conclusion

Overall, we do not object in principle to the proposed development but until such time as the management of woodland on site is clarified and agreed, then permission should not be granted as harm to the ancient woodland in particular, cannot be ruled out.

Putting these matters to one side, it is clear the site displays the physical characteristics to be considered a SANG. Whilst the absence of a known management body and the lack of step-in rights need not be a reason for refusal at this stage, it is imperative that no housing proposals are consented that seek to rely on this site as a SANG. This can only take place when the management body and step-in rights are resolved.

<p>Lead Local Flood Authority (HCC)</p>	<p>Thank you for your consultation on the above site, received on 11 June 2024. We have reviewed the application as submitted and wish to make the following comments.</p> <p>Change of use from agricultural land to Suitable Alternative Natural Green Space (SANG), together with a vehicular access, car park, paths, fencing and landscaping.</p> <p>The submitted application has not provided BRE365 infiltration testing to evidence the proposed surface water drainage strategy, has not included calculations to support the proposed surface water drainage strategy or sufficient evidence of increased flood risk to off-site areas and highway.</p> <p>We object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA), Drainage Strategy and supporting information relating to:</p> <ul style="list-style-type: none"> <li>o Impacts from the development adversely effects flood risk to off-site property and the highway.</li> <li>o The development not complying with NPPF, PPG or local policies due to lack of design information to sufficiently address increase of flood risk elsewhere.</li> <li>o Flood risk objective 1: Achieve flood risk reduction through spatial planning and site design</li> <li>o Flood risk objective 3: Reduce surface water runoff from new developments</li> <li>o Policy CS29 -Sustainable Design and Construction</li> <li>o Policy CS31- Water Management</li> <li>o Policy CS32- Air Soil and Water Quality</li> </ul> <p>Reason</p> <p>To prevent flooding in accordance with National Planning Policy Framework paragraphs 173, 175 and 180 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development. We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document are adequately addressed. The applicant has not provided calculations to support the proposed surface water drainage strategy or sufficient evidence of increased flood risk to off-site areas and highway.</p> <p>Informative</p> <p>The LLFA are concerned that the proposed car park is discharging via infiltration in SPZ1. The Environment Agency's Approach to Groundwater Protection policies stated that only clean rainwater can be infiltrated into SPZ1 (G12 - Discharge of clean roof water to ground and G13 - Sustainable drainage systems). The Environmental Agency's Approach to Groundwater Protection policies set out that the</p>

	<p>applicant is required to undertake a hydrogeological risk assessment for proposed surface water runoff discharges into SPZ1 areas that are not clean roof water. The applicant should assess and provide mitigation for infiltration of surface water runoff from the car park within a SPZ1 location and obtain Environment Agency consent for the proposals. If the applicant cannot get a consent from the Environmental Agency the current location of the car park will not have a viable drainage strategy and a new location and/or drainage strategy will be required. or further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage  <a href="https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx">https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx</a> this link also includes HCC's policies on SuDS in Hertfordshire.</p> <p>Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at <a href="mailto:FRMConsultations@hertfordshire.gov.uk">FRMConsultations@hertfordshire.gov.uk</a>.</p> <p>Annex  The following documents have been reviewed, which have been submitted to support the application:</p> <p>-Flood Risk Assessment, Charlies and Associates, May 2024, Revision B</p>
Natural England	<p><b>SUMMARY OF NATURAL ENGLAND'S ADVICE</b></p> <p><b>NO OBJECTION - TECHNICAL SANG COMMENTS</b></p> <p>Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.</p> <p><b>HOWEVER</b></p> <p>The planning application documents do not include a legal agreement between the LPA and the applicant regarding step-in rights and future SANG management. Without these safeguards, there is risk that default could be made upon the SANG; it then ceases to displace people away from the SAC. NE is of the opinion, as it stands, that there is insufficient information to satisfy us that the site could function as mitigation for adverse impacts on the Chilterns Beechwoods SAC for in perpetuity. Thus, NE will object to any proposed housing developments that rely on the Potten End SANG as mitigation for adverse impacts on the Chilterns Beechwoods SAC, until such time that a legal agreement between the applicant and the LPA regarding step-in rights has been signed and more information has been provided regarding the in-perpetuity management of the SANG. Please notify NE once progress on the above has been made, and we can then reconsider our position.</p>

The application is for a change of use from agricultural land to a Suitable Alternative Natural Greenspace (SANG), together with provision of a new car park, and has been the subject of a pre-application Discretionary Advice Service contract between the developer and Natural England. NE advice on SANG design as part of DAS contract CSA Environmental asked Natural England to provide advice on Suitable Alternative Natural Greenspace (SANG) at Potten End, Hemel Hempstead, which included one site visit, conducted on 14 February 2023.

The proposed site, approximately 47.23ha in area, occupies the sides of a valley which rises above Nettleden Road to the north and the River Gade to the east. The landform rises within the proposed site to a localised ridge in the vicinity of Bingham's Park. The small settlement at Water End lies immediately east of the Site, with the settlements at Potten End and Nettleden a short distance to the west. The site, which is currently arable, sits in a quiet location within a mixed arable and grassland landscape, with parkland to the northeast associated with Gaddesden Place to the northeast. Overall, the site was deemed by Natural England to be a good candidate for a large SANG, with its long views to the north and good location close to Hemel Hempstead. Due to its size, the catchment area of the SANG will be 5km.

The location of the site means it has the potential to intercept visitors travelling north from Hemel Hempstead to the Chilterns Beechwoods Special Area of Conservation (SAC), with easy access by car along Leighton Buzzard Road and Potten End. The proposed SANG has a rural feel, with little need for screening other than in the vicinity of the new SANG car park. Existing use by the public along the Public Rights of Way footpaths within the site suggests that the proposed SANG is in a location that the public will use, which is welcomed. Natural England advised that, given that existing use was limited to the Public Rights of Way footpath, the site is not under significant existing use and a visitor survey is not required as part of the SANG proposal. At the time of the site visit, Natural England recommended reversing the current arable land to a 'parkland' character open space. More recent advice in relation to historic views across the valley from Gaddesden Place has resulted in a proposal comprising grassland with restored historic hedgerows and parkland in the southeast corner of the proposed SANG. Natural England is content that the landscape elements shown on the SANG Landscape Strategy plan (CSA Environmental, May 2024) will meet NE's SANG Guidelines in terms of providing semi-natural habitat.

The SANG is proposed to come forward in two phases, with the eastern phase 1 comprising all of NE's essential criteria for SANG, including a defined 2.3km circular walk and a car park. The applicant has opted to provide the full car parking capacity for the whole SANG as part of the delivery of phase 1, which NE supports as an approach.

In terms of the visitor experience to the SANG, Natural England advised that the proposals for the SANG should consider the inclusion of one or more benches at strategic viewpoint locations throughout the site, for those wishing to make the most of walking the whole site, so

we are pleased to see these included within the SANG Landscape Strategy plan. Natural England also suggested the provision of a dog splash; we note the inclusion of ephemeral ponds in the northeast corner of the site close to the car park, which will no doubt prove attractive to visitors with dogs. Similarly, the provision of dog-proof fencing around the edge of the site provides confidence that visitors can let their dog off the lead, which is one of the essential criteria for SANG. We also advised considering the inclusion of a natural play area to enhance the draw of the site for visitors; placement of a natural play area close to the entrance and car park would generally be appropriate to maximise use. Provision of a natural play area may be more appropriate once both phases of the SANG are open to the public.

#### Heizdins Ancient Semi Natural Woodland

Natural England is pleased to note the proposals for woodland restoration works and long-term woodland management of the woodlands, including Heizdins Wood, which are detailed in the SANG Delivery Framework Document for Land at Potten End Hill, Hemel Hempstead (CSA Environmental, May 2024).

Although no material changes are proposed to the existing baseline within the woodland, increased visitor traffic to the site and parking provision etc could result in increased foot traffic along the ancient woodland PRowS. This needs to be considered carefully and addressed within the management plan. Natural England notes that there are currently no specific references to visitor management within Heizdins Wood - this could include defining the PRow footpaths with log edging to encourage visitors to keep to the footpaths and avoid trampling of the bluebells *Hyacinthoides non-scripta*, and signage explaining the sensitivity of the woodland to recreational pressure. Regular monitoring of the woodland should also be included within the SANG management plan, with some planned interventions if early signs of recreational damage begin to appear.

#### Chilterns National Landscape

The proposed SANG site is located within the Chilterns National Landscape. The statutory purpose of the National Landscape is to conserve and enhance the area's natural beauty. Natural England support the approach that has been taken to the landscape design of the masterplan for the SANG site, which has been informed by the relevant local Landscape Character Assessments and a technical note outlining the landscape baseline and character of the site.

The proposed masterplan has sought to strengthen the landscape character of the site by proposing to re-create elements of the historical landscape through re-introducing a parkland character to the site and re-instating lost hedgerows. From desktop review, the overall approach taken appears to be commensurate with the Chilterns National Landscapes' statutory purpose to conserve and enhance the natural beauty of the landscape and with the purpose of increasing the understanding and enjoyment of the public of the special qualities of the area of outstanding natural beauty. Therefore, we have concluded

that impacts on the nationally designated landscape and the delivery of its statutory purpose to conserve and enhance the area's natural beauty can be determined locally by the local planning authority, with advice from its landscape or planning officers, and from the Chilterns Conservation Board.

We advise that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraph 182 and 183 of the National Planning Policy Framework, which requires great weight to be given to conserving and enhancing landscape and scenic beauty within National Landscapes, National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering this proposal.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We advise that you consult the Chilterns Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the area's statutory management plan, will be a valuable contribution to the planning decision. Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (which includes local authorities) in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty in England, to seek to further the statutory purposes of the area. This duty also applies to proposals outside the designated area but impacting on its natural beauty. The Chilterns Conservation Board may be able to offer advice in relation to the duty, including on how the proposed development aligns with and contributes to delivering the aims and objectives of the area's statutory management plan.

Natural England confirms that the proposed Potten End SANG does meet the NE SANG Quality Guidelines and, in principle, we have no issue with it being designated a SANG, pending the following points.

1. The SANG is to be created as set out in the 'SANG Delivery Framework Document for Land at Potten End Hill, Hemel Hempstead (CSA, May 2024), which should be made a condition of the planning consent, to ensure that the SANG is created and managed according to the NE SANG Guidelines (2021).

2. A management company, trust/charity or the LPA is to be named as managers of the SANG prior to approving the SANG for mitigation, and a legal agreement secured between the applicant / their client and the management company/body, to secure the funding of the SANG management via a commuted sum/endowment (see additional advice below).

3. A legal agreement between the applicant / their client and the LPA regarding step-in rights and management of the SANG in perpetuity has been signed by both parties if required (see additional advice below).

Additional Advice - Relating to the use of this proposed SANG as mitigation in future The Potten End SANG is to be relied upon to mitigate adverse recreational pressure impacts on the integrity of the Chilterns Beechwoods Special Area of Conservation (SAC) of developments within the 5km catchment area of the SANG. As such, the SANG must be approved by Natural England and is expected to follow Natural England's published SANG Guidelines. This is in order that an appropriate assessment undertaken by the Responsible Authority (in this case Dacorum Borough Council) can conclude that there is sufficient certainty that the Potten End SANG mitigation measure will make an effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that a planning application which relies on the SANG mitigation will not adversely affect the integrity of the Chilterns Beechwoods SAC.

Lack of clarity regarding management company for the SANG The 'SANG Delivery Framework Document for Potten End Hill, Hemel Hempstead (CSA, May 2024) includes a section on capital works to create the SANG and information on the ongoing aftercare and maintenance of the landscape planting of the proposed Potten End SANG. Natural England welcomes the information provided in Chapters 4 and 5 of the 'SANG Delivery Framework Document for Potten End Hill, Hemel Hempstead (CSA, May 2024). However, paragraph 4.3 on pages 22-23 of the 'SANG Delivery Framework Document for Potten End Hill, Hemel Hempstead (CSA, May 2024) states the following:

Following this period [the first 12 months following establishment of the SANG planting], a suitable future managing agent will need to be put in place to secure the future maintenance of the newly created SANG in perpetuity. It is anticipated that this will be a suitably qualified Management Partner, as appointed by the applicant, who can demonstrate a track record in the management of SANG land. The Management Partner will take on the management responsibility for the SANG in perpetuity.

Paragraph 4.5 states that 'Full details of the future management and maintenance of the SANG is anticipated to be secured via planning condition and/or the s106 agreement'. Natural England requires a management company, trust/charity or LPA to be named as managers of the SANG prior to approving the SANG for mitigation, and a legal agreement secured between the applicant / their client and the management company/body, to secure the funding of the SANG management via a commuted sum/endowment. This requirement ensures that SANG management is secured and funded in perpetuity (taken to be a minimum of 80 years).

Natural England's order of preference for transferring long-term management of the SANG to a management body is as follows:

	<p>1) the Local Planning Authority, who may wish to make use of any spare capacity as they see fit in return for agreeing to manage the SANG in perpetuity;</p> <p>2) The Land Trust or similar body;</p> <p>3) A new management company set up by the applicant / their client.</p> <p>If the SANG is to be managed by a third-party management company, step-in rights will need to be agreed in writing with the Local Planning Authority. The LPA should provide confirmation that they will provide step-in-rights for the proposed SANG management company. Step-in rights may not be required if charities such as the Land Trust are the managing body. If step-in rights are needed, NE would require written confirmation of the LPA's agreement to take on the site and appropriate wording to be incorporated in the legal agreement. This is to ensure that the SANG would be managed by the LPA in perpetuity should the management company cease trading. Without a legal agreement between the applicant / their client and the LPA regarding step-in rights and subsequent securing of the SANG management, NE is of the opinion that the SANG may not be adequately managed in perpetuity to fulfil its function as mitigation for adverse impacts on the Chilterns Beechwoods SAC.</p> <p>As it currently stands, NE will object to any housing developments that rely on the Potten End SANG as mitigation for adverse impacts on the Chilterns Beechwoods SAC.</p>
Great Gaddesden Parish Council	<p>The following is a summary of the full response submitted separately.</p> <p>1.1. Great Gaddesden Parish Council objects to this application.</p> <p>1.2. The only way to meet Dacorum's corporate priority to reduce emissions and reach net-zero as soon as possible and reduce pressure on the Ashridge Commons and Woods SSSI is to locate SANGs within walking distance of new housing developments. Other than Hemel Garden Communities which isn't expected imminently, the emerging Local Plan lists no new housing developments within walking distance of the Potten End Hill SANG.</p> <p>1.3. If the recommendation is to ignore the Borough's corporate priorities then the Parish Council's critical objections to the proposed change of use are as follows:</p> <p>1.3.1 The proposal doesn't specify how it will meet Dacorum and National England's objective of deflecting visitors from the Ashridge Commons and Woods SSSI. It is inappropriate for a site in the National Landscape to be the subject of speculative development which involves harm to ecological and heritage assets with no clear benefit.</p> <p>1.3.2. The proposed car park is in the setting of several heritage assets, a globally rare and environmentally fragile chalk stream, and very close to existing traffic congestion caused by the Water End Bridge. It is an inappropriate location, particularly when alternative sites are available at the top of Potten End Hill.</p>

1.3.3. The proposal will fundamentally change the landscape character of the valley slope to the south of Nettleden Road from what is currently an unbroken vista into four separate compartments segmented by new hedgerows and fences which will have a significant and detrimental impact on long distance views from several heritage assets, footpaths and on the National Landscape contrary to the NPPF.

1.3.4. The site hosts six ground-nesting or ground-using bird species which are s41 species and are protected under the NPPF; Natural England guidelines are explicit that sites where free roaming dogs may cause a nuisance should not be considered as SANGs.

1.3.5. The footpath along the Gade water meadows is the flattest and arguably most attractive walking route from the SANG car park leading to a café at the garden centre at Great Gaddesden, but the impact of greater footfall along the water meadows is not considered. It would be a disastrous failure of policy if a strategy aimed at reducing harm to the Ashridge Commons and Woods SSSI just migrated that harm to a globally rare and ecologically sensitive chalk stream. The impact of the SANG on the Gade needs to be assessed and at the very least a mitigation strategy implemented.

1.4. If despite the arguments advanced above it is decided to proceed with the SANG the Council has the following operational concerns:

1.4.1. Active travel access to the SANG from north Hemel needs to be improved to meet Dacorum's Corporate priorities.

1.4.2. Any proposal which results in increased traffic along the Leighton Buzzard Road must incorporate a mitigation strategy to improve the junction of the B440 and Potten End Hill and traffic flows across the Water End bridge.

1.4.3. It is unclear how the security of the site will be controlled once it is opened-up through the car park. The application deals with the safety of the intended users but not the risk of antisocial behaviour. Regrettably the Council's experience is that rural areas receive less support from enforcement bodies than urban areas.

1.4.4. It is unclear what happens if the SANG management organisation fails to meet its obligations.

1.4.5. Given the planned scale of development in the emerging Local Plan in Berkhamsted and Hemel, and the criteria that SANGs should divert visitors from the SSSI, the Council would like to see an analysis of the overall impact of SANGs which may have a significant urbanising effect on the parish.

1.5. The Council is grateful to the developers and their agent for making time to brief the local community prior to submitting the application.

<p>Nettleden with Potten End Parish Council</p>	<p>I appreciate that the consultation on this application has been closed but should be most grateful if you would consider the attached objection from the Parish Council.</p> <p>The arguments are not dissimilar to those advanced by Great Gaddesden, but are much shorter and reflect more of a difference of opinion between councillors on some aspects of the application.</p> <p>V1.0</p> <p>Response to 24/01239/MFA Land at Nettleden Road, Potten End - change of use from agricultural land to Suitable Alternative Natural Green Space (SANG), together with a vehicular access, car park, paths, fencing and landscaping. The council OBJECTS to the application.</p> <ol style="list-style-type: none"> <li>1. Only a relatively small part of the western end of the proposed SANG falls in the parish of Nettleden with Potten End, however the long-distance view from the Nettleden conservation area which is in the parish would be impacted, footpaths in the site of the SANG are already used extensively by parish residents and the whole SANG falls within the general setting of the parish. Accordingly it is considered appropriate for the Parish Council to express an opinion on the proposal.</li> <li>2. Locating the car park in the valley of the Gade, a globally rare chalk stream, in the setting of the Water End Conservation Area and a number of other heritage assets, and close to the single lane bridge at Water End which is the subject of daily traffic congestion is incomprehensible and contrary to paragraphs 205, 207 and 208 of the NPPF. Locating the car park at the top of Potten End Hill near the existing light industrial estate of Bingham's Park is more logical (although the Council acknowledges that it would most likely then fall outside the land currently allocated for the SANG).</li> <li>3. Although the Gade doesn't run through the SANG it is very close to it, and there is a risk that the SANG and its car park will drive an increase in visitor numbers and in particular dogs to the river and its associated water meadows. The Gade is one of only 220 chalk streams globally and has been designated a priority habitat within the qualifying criteria of the UK Biodiversity Action Plan Priority Description for Rivers. Work currently being undertaken by Affinity Water to improve the Gade has identified the presence of Water Voles which are protected under the Wildlife and Countryside Act 1981, are on the Red List for Mammals in Great Britain and would be at risk from dog incursion.</li> <li>4. The site hosts six ground-nesting or ground-using bird species which are Section 41 species and so protected by paragraph 185.b of the NPPF. That protection is incompatible with the requirement of the SANG to allow dogs to roam freely. Natural England guidance is that sites where roaming dogs will cause a nuisance should not be considered for SANG.</li> <li>5. The Council acknowledges that the ecology of the site and the</li> </ol>
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	<p>Gade may benefit from less intensive cultivation and a reduction in the use of pesticides and herbicides but no information has been provided to indicate whether this would be sufficient to offset the impact on wildlife.</p> <p>6. If the SANG is to proceed the Council would like to see a risk assessment and mitigation measures agreed to protect the ground-breeding birds, the Gade and its water meadows. It would represent a complete failure of policy if an approach designed to protect Ashridge simply exported the same problem to the Gade.</p> <p>7. The Parish Council notes that it is proposed to develop the SANG in two stages, the first being the eastern section which is the more ecologically sensitive and closest to heritage assets. It seems to the Council that moving the car park to the top of Potten End Hill has the added benefit of allowing the western end to open first which, subject to clarification of the situation regarding ground-breeding birds, might have less ecological impact.</p> <p>8. The Parish Council strongly disagrees with the suggestion that residents of Potten End might be deflected from visiting Ashridge because of the SANG as stated in the logic for reducing the size of the car park. A change of use and on-site car park will have no impact on whether Potten End residents continue to use the existing footpaths on the site or travel to Ashridge. This otherwise trivial observation seems to the Parish Council to go to the heart of the objective of the SANG which is to divert visitors to Ashridge; it is not at all clear how this SANG will achieve this aim.</p>
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**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

<b>Neighbour Consultations</b>	<b>Contributors</b>	<b>Neutral</b>	<b>Objections</b>	<b>Support</b>
269	64	0	57	7

**Neighbour Responses**

<b>Address</b>	<b>Comments</b>
The Bungalow Nettleden Hemel Hempstead HP1 3DB	<p>Having lived in the area longer than the current Potten End/ Nettleden and Great Gaddesden parish council committee members and the majority of the village residents, I would like to give a balanced and better informed view for the proposal.</p> <p>Historically, the land has been used for agriculture, however it was not until the early 80's with the advent of modern farming practice that the landscape you see today was formed. Previously the area was made up of several small grass fields bordered by hedgerows.</p>

	<p>The proposal states that it will be managed by several wildlife and conservation groups and funded for the duration by the applicant. This will not be an urban park but more an extension of the Ashridge estate in keeping with the area. Current Government policy 'The green transition'. is aimed at taking land out of food production and creating better habitat to help protect our wildlife. A SANG goes some way to meeting that criteria.</p> <p>The notion that the current agricultural use on the site is beneficial to ground nesting birds, is at best naive. The introduction of wild flower meadows, grass meadows, hedge and tree planting will be vastly more beneficial to insects, all nesting birds, bees and all wildlife as many case studies have proved.</p> <p>The current Dacorum planning proposals brings Hemel Hempstead ever closer to our villages and although the SANG will not prevent this, it will at least mean that an area is protected from any development for at least the next 80 years.</p> <p>The benefits to the River Gade should be considerable. The reduction of pesticides and artificial fertiliser will lead to better water quality and improved flora and fauna. As far as the plans show the proposed boundary is far enough away to prevent public access to the chalk stream banks, unlike the water meadows on the other side of the Nettleden Road. The greatest threat to our chalk stream is Piccotts End pumping station as water demand increases.</p> <p>Unfortunately, commercial dog walking already happens on this site even though it is farmed land and policing it is extremely hard given that the handlers seem to think they have the right to walk wherever they like. This is also the case on the water meadows next door. This practice will continue SANG or no SANG. Commercial dog walking exists due to the schedules of our working lives, many of the local village people commute to work and use their services. The SANG will not prevent this but it may help protect the verges and lay-bys along the Nettleden Road and ease the pressure on the water meadows.</p> <p>A big bone of contention is the creation of a car park. Is a 50 car car park really going to impact the Leighton Buzzard Road that much? It will not be the case of 50 cars going in and out all day long. The car park should be closed at night. The plans show it will be well landscaped and will not be made from concrete/tarmac, but with the use of more sympathetic materials.</p> <p>The site was home to a large Pick Your Own, farm shop and children's farm enterprise, with a far greater throughput of traffic than is being proposed with this planning application.</p>
<p>Iona Vicarage Road Potten End Berkhamsted</p> <p>Hertfordshire HP4 2QZ</p>	<p>The proposed area for this SANG lies within the Chiltern Hills Natural Landscape, part of the Green Belt, and afforded the highest protection in National Policy.</p> <p>I believe this SANG has been proposed to encourage residents of the new development off Pouchen End Lane to exercise themselves and their dogs in the area rather than travelling to Ashridge. Footfall and dogs roaming on the site will destroy the natural wildlife habitats</p>

	<p>Residents will have to travel by car to reach this site, which is not eco friendly and should be discouraged. The intended car park at the SANG, accessed from the narrow road of Potten End Hill, will increase traffic on this road and on the busy Leighton Buzzard Road.</p> <p>The obvious area for residents to exercise from the new Pouchen End development ideally should be within walking distance of their estate, preferably on land within the development.</p> <p>The Castle Hill SANG, ref:23/02972/MFA has now been approved by Dacorum Planning Committee, an area of 25.6 hectares, so this site will act as an alternative to Ashridge, but unfortunately use of the car will again be needed.</p>
<p>3 Church Meadow Great Gaddesden Hemel Hempstead Hertfordshire HP1 3BS</p>	<p>There seems to be a total lack of care for or understanding of the local area for this proposed development.</p> <p>Firstly, the extremely rare ecosystem which exists through this area, in the form of the Chalk Stream, will be seriously harmed, by not only the destructive works that will take place on the car park and the large amount of articulated lorries required to transport the materials, which will lead to increased noise, not to mention the damage to the roads. Its also the increased noise and traffic pollution and increased footfall from visitors, all of which will disturb birds and other animals living in the environment and no doubt lead to the degradation of the environment. This area is not able to cope with large amounts of visitors whilst maintaining it's natural beauty, and is certainly not suitable as an alternative to Ashridge, with it's large estate, golf course, cafes and car parks.</p> <p>Questions that are not answered in the plan:</p> <ul style="list-style-type: none"> <li>- What assessment on environmental impacts has been done?</li> <li>- Will the carpark be secured overnight in order to stop antisocial behaviour such as fly tipping and drug use?</li> <li>- Why is a smaller housing development with green space onsite, not suitable, given the area around the development is in existing green space?</li> <li>- What are the expected number of visitors to this area given the 1,100 homes proposed on the existing site?</li> <li>-What will be done to protect the water meadow and natural chalk stream on the opposite side of Nettleden Road, given it's sensitivity and importance?</li> <li>- How will the area be maintained and protected, and who will pay for this?</li> </ul> <p>I am also concerned about increased traffic to an already overused area, the traffic at water end bridge often goes all the way back to Hillier's garden centre, and beyond, why would it be suitable to suggest more people use this route?</p> <p>This application should be rejected, the natural environment and it's inhabitants along with the local villages and the residents, shouldn't be made to suffer, just to satisfy Taylor Wimpey's need to provide green space on their plan. They would rather build more houses and</p>

	<p>make more profit, whilst ruining another natural environment, than reduce the number of houses on their development and provide green space onsite, which would be a much more beneficial way of doing things for everyone else other than Taylor Wimpey. The key word in SANG is SUITABLE, the plan is not suitable in any way.</p>
<p>Holly House 8 Kilfillan Gardens Berkhamsted Hertfordshire HP4 3LU</p>	<p>OBJECT on grounds below.</p> <p>The Chilterns AONB is the closest area to London with protected natural views - we should be scrupulous in touching these.</p> <p>The proposal will not only damage the fragile ecology and unique chalk streams but it will ruin the postcard view from the woods on the hill to the north - literally the most natural, untouched view in the area.</p>
<p>The Moor 3 Water End Moor Water End Hemel Hempstead HP1 3BL</p>	<p>-increased traffic and pollution -effect on Chalk stream -conserve environment</p> <p>Please go to the documents tab on the following page for the full letter: <a href="#">Dacorum Public Access (Application ref. 24/01239/MFA)</a></p>
<p>Lark Rise Hollybush Close Potten End Berkhamsted Hertfordshire HP4 2SN</p>	<p>Lacks necessary consideration of important matters. Scale not justified. Unsustainable development. Sensitive features at site.</p> <p>Please go to the documents tab on the following page for the full letter: <a href="#">Dacorum Public Access (Application ref. 24/01239/MFA)</a></p>
<p>Hedgerows Potten End Hill Water End Hemel Hempstead Hertfordshire HP1 3BN</p>	<p>My husband and I are against the proposal.</p> <p>The proposal will increase traffic to an area outstanding natural beauty and there is a high likelihood of antisocial behaviour associated with the proposed car park. The steps taken to mitigate anti social behaviour are vague to say the least.</p> <p>We noticed that the car park has been moved from the North West side as per Transport statement 3 to be next to Potten End Hill and closer to a greater number of houses than in than original proposed location, this makes no sense at all.</p> <p>The area around Willows Lane and Potten End Hill has suffered from a high number of burglaries in the last 18 months, so much so that the police have agreed to come immediately if there is a sign of a break in. The SANG would only increase the volume of traffic which can only increase the possibility of more burglaries.</p> <p>There must surely be other more suitable locations for this proposal.</p>
<p>Ashbarton Potten End Hill Water End Hemel Hempstead</p>	<p>We object to this development for the following reasons:</p> <p>1. Noise and disturbance resulting from use and overlooking / loss of privacy</p>

Hertfordshire  
HP1 3BN

We moved from an urban area 18 years ago for peace and tranquility to an AONB, adjacent to this unnecessary proposed development. This development will detrimentally impact that AONB. We walk around the Ashridge estate weekly and will continue to do so because of its beauty, whether this SANG project goes ahead or not. We doubt many people will visit the proposed SANG (mainly as it is in the middle of nowhere), and continue to Ashridge as they will have to drive to the proposed SANG anyway. One purpose of this development, to protect Ashridge from overuse will simply backfire by no one visiting this development, but also harm the beauty of this AONB.

The proposed SANG car park is positioned in the AONB opposite our family home, as well as opposite a number of other residential properties along Potten End Hill. This will cause noise and disturbance to us as well as a lack of privacy and we will be overlooked. As the location of the car park has been moved already to avoid detrimentally impacting one local resident for the same reason, why has the new location been chosen that now detrimentally affects several other local residents in the same way. This is illogical. A precedent has been set as we understand the developers were forced to move the position of the car park away from one local resident; therefore, it must be moved away from all. Because of the repositioning, there is evidently no reason for a specific location for the proposed car park inside the SANG. Why is the proposed car park not situated in the more appropriate location next to the built-up area of Bingham's Park industrial area and day nursery? Adjacent to the Bingham's Park site would provide extra security to prevent antisocial and illicit behaviour. Having the car park in the proposed location would encourage that behaviour. There is already a large car park at Bingham's Park. The adjacent field to Bingham's Park is used for football events weekly, where cars are parked on the fields and verges detrimentally impacting that area. Surely the best option to minimise the environmental impact is to build the proposed car park at that location to meet the needs of those visitors as well as dog walkers. The proposed location of the car park in the middle of the AONB land is illogical.

The only seeming benefit of the car park in the proposed location is financial to the developer as the land is flatter at the proposed site, nearer the bottom of the valley and chalk stream. This should not be the determining factor.

We are aware of a rural car park in Hampshire, close to our friends in Alresford that has been closed by the local council as the police do not have the time or resources to control the illicit behaviour brought to that car park because of its out of the way location. That car park remains abandoned with the eyesore of huge concrete blocks at the entrance to close it. A similar problem will occur in the proposed car park because of its proposed out of the way location and with stretched police resources - drug dealing, motorbike and car racing, dogging etc will be a problem, as happened in Hampshire. Police have already given warnings for antisocial behaviour such as cars drifting and racing at Gadebridge car park. The proposed location of

	<p>this car park will encourage the same antisocial behaviour where we live, and it will be unchecked as it's out of the way. The 50-place large car park is unnecessarily extremely large and would encourage racing and drifting in that car park.</p> <p>Our house has a large garden, that will be strangled by development, with houses on three sides of our boundary, as one is now being constructed behind our property. With this proposed car park in front, our garden will have development on all sides and therefore will not be green belt, by its very definition. With this new development, we will have no option but to consider applying to build new houses on our land to pay for a move to the countryside again, which was the reason why we live here in the first place.</p> <p>2. Potten End Hill - Traffic and Safety</p> <p>The lower part of Potten End Hill is a very straight relatively narrow long hill climb main road that attracts motor bikes and cars to race. Having an entrance to a car park in the middle of that part of the hill is illogical for a safety point of view. Further up the hill is more built up and traffic is slower, more appropriate for a car park entrance. The traffic is already a problem and will get worse with this development.</p> <p>3. Ecology and Biodiversity</p> <p>Why is the location of the proposed car park so close to the Gade chalk stream and not at the higher end of the SANG near the existing development of Bingham's Park? We understand that Government guidance is to protect such streams and their habitat from pollution. The proposed car park location is therefore illogical. There is no thought about this in the applicant's proposal.</p> <p>The development with its off-lead dog walking, probable illicit behaviour and the pollution will have a detrimental impact on the water voles that live in our area, as well as the bird species that live in our garden and the local fields such as corn buntings, yellow hammers and blackcaps, which nest on or near the ground.</p>
<p>Little Oaks Potten End Hill Water End Hemel Hempstead Hertfordshire HP1 3BN</p>	<p>We strongly object to this planning application.</p> <p>Not enough thought has gone into the impact this would have on the local traffic and the hazards we already have with the volume of traffic on Leighton Buzzard road and Potten End Hill. At a busy time the traffic stretches from the bridge at Water End all the way back to Gadebridge Roundabout. You propose an entrance to a car park at the lower end of Potten End Hill. Traffic that comes along Leighton Buzzard Road and turn left to go up Potten End Hill are now in an national speed limit road (60mph). At this point because it is a hill the drivers are accelerating very hard to climb the hill. They will have only gone a few metres when they will be confronted by vehicles turning right into the new access road. There are bound to be accidents at this point and there are still big holes in the hedge from previous accidents at that area.</p> <p>The amount of animals, small birds etc that will suffer if this goes</p>

	<p>ahead. No matter the precautions you take to help them there will be an massive effect on their survival with the introduction of the new car park and road, the amount of people in general, the amount of dogs that are being walked on or off leads, one of the biggest problems being the cars/motorbikes and cycles.</p> <p>When we attended the first meeting the car park was on the Nettleden Road side. You have had a complaint from the local resident as it would have been right outside his property. Rightly so he should complain as this project should not be going ahead anyway.</p> <p>However you have now changed the position of the car park and put it straight outside mine and my neighbours property.</p> <p>I strongly object to this. What gives you the right to move it from one location (because you have had a local complaint) to outside two other property's.</p> <p>The problems we are going to get with the car park outside our property's is unthinkable.</p> <p>The car park will get the wrong type of people in it. There will be groups that gather in cars at night, the same as the problems you get with Gadebridge Park car park. They are then screeching around the car park and causing disruption to all. I take my dog to Gadebridge Park car park for her walks and have experienced this unruly behaviour on many occasions. You also get motorbikes causing disruption and also using the footpaths that you would be putting in. I would suggest that there would also be drug dealing and other illicit activities going on.</p> <p>Also with wrong type of people in this car park they will be looking over the road and looking straight at our property and thinking of a future property to break into. Our security would be compromised.</p> <p>If this did go ahead why can you not use the access and car park that is already in further up the hill. This is at the entrance to Blnghams Park Farm where there is already a entrance and an area where cars park. This is also on a slower part of the road and not on a straight fast section.</p>
<p>Queenswood Frithsden Lane Berkhamsted Hertfordshire HP4 1NW</p>	<p>We object to this proposal on the grounds of the unnecessary increase in traffic and also the impact on this lovely rural valley.</p> <p>The proposed site is not within "easy walking distance" of more than a handful of homes so that everyone who might use it will have to drive there. The Leighton Buzzard Road is already very busy, frequently congested and the turning into it from Potten End Hill is a potentially dangerous one with poor view of the oncoming traffic, especially from the Piccott's End direction.</p> <p>Surely in today's world, where there is an opportunity to reduce reliance on cars, this must be a priority. Accordingly, the SANG should be easily accessible on foot by the residents of the new housing developments.</p>

	<p>The valley either side of the Nettleden Road is truly beautiful and one of the few places where I have seen hares bouncing around the fields. To introduce what is essentially a huge dog exercise park will destroy this environment.</p>
<p>Lark Rise Hollybush Close Potten End Berkhamsted</p> <p>Hertfordshire HP4 2SN</p>	<p>As a resident whose garden abuts the proposed land for the sang I am objecting to the proposal for a number of reasons:</p> <ul style="list-style-type: none"> <li>* The wanton destruction of an area of natural beauty with uninterrupted views across to the Great Gaddesden Water Meadows and Highpark wood and all of the varied wildlife within it from hares, deer, stoats and foxes to ground nesting birds.</li> <li>*The proposed land is criss-crossed with walking paths that are fully used already by both walkers and dog walkers without the need to tear the land up and fence it in.</li> <li>*There will be increased traffic on an already dangerous road through the village of Potten End and a congested junction at the bottom of the Potten End Hill.</li> <li>*The idea of a sang is to offer green space to a development of houses nearby. The original proposal contained links to LA3 but this was removed. The continuation of this sang is disingenuous and not in the best interests of the residents of Dacorum for builders to 'bank' a sang for future use no matter how far from any future development it may be. It seems to me that developers want to cram as many houses on a development as possible and call up a green space miles away to offset this! The green space should be next to or within the development.</li> <li>*Ashridge estate is trying to guide people away from Ashridge due to numbers - this will encourage more.</li> <li>*The idea of a sang that you have to drive miles to from any linked development goes against the ethos of the sang itself and also the need to reduce/minimise car use in general in the Dacorum area.</li> </ul>
<p>Four Winds Nettleden Road Water End Hemel Hempstead Hertfordshire HP1 3DF</p>	<p>The proposal in its current guise is unacceptable as it lacks the necessary consideration of important matters including design, amenity and disturbance, community benefit, and highways impact. In particular, the scale of the proposal is not sufficiently justified given the existing site constraints and local rural character.</p> <p>Any harm amounting to the Green Belt or AONB should be apportioned substantial weight and whilst there are recognised benefits associated with this scheme, they are not sufficient to justify the level of development proposed.</p> <p>The location of the car park needs to be examined due to its proximity to the existing residential premises and heritage assets, and the fact that these could potentially be avoided if another location were to be chosen further along Potten End Hill.</p>

	<p>The location and mapping of the walking routes should consider what is currently in place and be mitigated in order not to create issue for the current locals, I myself being one of them, as this scheme could be so beneficial for the local community but it cannot in its current form.</p> <p>The creation of a SANG will attract visitors meaning that there are opportunities to be gained within the local economy along with the provision of facilities for those dual uses (i.e. the car park) that can be facilitated through amendments to the design.</p> <p>Most importantly the main objective of a SANG to relieve pressure on the Chilterns Beechwoods SAC and therefore the design should be tailored to encourage the use of the site by existing residents so to further reduce the pressure on the SAC and encourage more sustainable practices.</p> <p>For full letter please see: <a href="#">Dacorum Public Access (Application ref. 24/01239/MFA)</a></p>
<p>Jacaranda Nettleden Road Water End Hemel Hempstead HP1 3DF</p>	<p>-Objection on SANG grounds - Congestion Full letter can be viewed under the 'Neighbour Letter' with description of 'Jacaranda Neighbour Response'</p>
<p>Lark Rise Hollybush Close Potten End Berkhamsted HP4 2SN</p>	<p>As a resident whose garden adjoins this proposed development, I am objecting on several bases.</p> <p>This SANG is not within walking or public transport access of any new housing development currently planned in the wider area.</p> <p>It will increase traffic both through (1) Potten end and (2) along the Leighton Buzzard Road:</p> <p>(1) Potten End. There is no footpath from the car park to Potten End. The first portion of footpath is dangerous and narrow, I already have had personal frights of traffic speeding past me with a young child in tow. This is a disaster waiting to happen. Furthermore there have been several serious accidents in Potten End due to the fast speeding and increased car presence in the village. this will make that worse.</p> <p>(2) traffic already queues for 15 minutes to cross an ancient bridge over the adjacent chalk stream - any addition of a car park along the Potten End Hill will add to this increased traffic, causing further congestion and build up the pollutants in the area and again creating danger.</p> <p>There are rare ground nesting birds on the site, multiple deer trails, badger runs, bats, partridge, pheasant, owls, hares, rabbits - the list goes on. Any addition of somewhere dogs can run freely will disastrously affect this ecosystem and kill wildlife - how is that helping a green agenda? This is a peaceful area currently, multiple species of birds can be heard and seen throughout the day and evening.</p> <p>The views across the valley are currently unspoilt with PROW across</p>

	<p>the fields that are used by locals on foot from nearby villages. There is no need to add further footpaths.</p> <p>The SANG will add multiple hedgerows and fences, cutting across the English countryside and it's historic views. The field adjoins a roman road and spectacular roman ruins have been found in nearby fields.</p> <p><b>NO PLANTING OF HIGH HEDGEROWS OR TREES SHOULD BE PERMITTED.</b> The plans included are insufficient in detail of what how the boundaries will be created, how works traffic will be managed, how wildlife will be protected.</p> <p>No consideration has been given to increased noise, looting, fly tipping and general public disturbance - no plans to address these points are included in the proposals.</p> <p>This SANG will encourage more professional dog walkers to the area. Multiple dogs off leads will affect the use of this by those not wanting to walk dogs - currently there are many walkers (without dogs or with dogs on leads) using these PROW.</p> <p>IF this were to go ahead, I think that it is important that dogs are restricted to smaller areas to run freely, that locals (particularly those adjacent to the SANG) have a say in planting and footpath layouts and that the carpark is restricted to daytime hours only with an automated locking system that prevents the use of the carpark after dark or by caravans/lorries/vans etc during the day; finally, the SANG should be vastly reduced in size and scope.</p> <p>Locals need to be consulted!</p>
<p>16 Vicarage Road Potten End Berkhamsted Hertfordshire HP4 2RA</p>	<p>The proposal will exacerbate an already congested part of the Leighton buzzard road ( particularly Water End bridge ) . The driver for this proposal is for the development of 1100 homes which isn't mentioned . There are numerous listed buildings and a chalk stream within 100 metres of the proposed site.</p>
<p>8 Cromer Close Little Gaddesden Berkhamsted Hertfordshire HP4 1PR</p>	<p>A SANG area, with the support of conservationists would only be beneficial. There wouldn't be fertiliser or pesticides being sprayed which impact wildlife. People in the area will remember this was once a pick your own farm which had a far greater number of cars driving to and from, and a car park - this never caused a traffic problem but was a great addition to the community. Ashridge Estate is vastly overcrowded, you cannot access it other than by car and there's often no parking. The 'food festival' mentioned in another comment is at Ashridge House, not the estate. I would much rather see a SANG which guarantees the area is protected, than another use/development. I understand that people will oppose/want it to stay as it is if they are a neighbouring property as it is the unknown - and 'not in my back yard'. The land could be used for any number of things - including events/storage or possible future development. I'd rather a well-thought out and protected SANG. I think it would be a great addition if it is in-keeping with the area/natural beauty. People park along the lane and walk there already, through the fields not realising they have been sprayed.</p>

<p>Four Oaks Vicarage Gardens Potten End Berkhamsted</p> <p>Hertfordshire HP4 2RL</p>	<p>I fully support the initiative to transform this land into a suitable alternative natural green space and protect it from residential development for the next 80 years. Preserving our green belt is crucial for maintaining the environmental integrity, biodiversity, and natural beauty of our community. This green space will offer a serene haven for residents, providing essential opportunities for outdoor activities and relaxation. By safeguarding this area from housing development, we are ensuring that future generations can continue to enjoy and benefit from this precious natural resource. Let's commit to preserving our green spaces and prioritising sustainable, community-centered growth.</p>
<p>4 Church Cottages Church Meadow Great Gaddesden Hemel Hempstead Hertfordshire HP1 3BU</p>	<p>I object to this development because it appears to contravene ss.40, 41 of the Natural Environment and Rural Communities Act 2006, and the National Planning Policy Framework (NPPF) of 2012.</p> <p>One should be aware that Savills Estate Agents, Taylor Wimpey, and Barratt Homes' motivation in filing this application is not in the interests of environmental conservation or public amenity - only the terminally naive and simple minded would be taken in by such a deception. These companies have only done so to fulfil an amendment to the Conservation of Habitats and Species Regulations 2017 which requires housing developers to offset the impact of unrestrained building development in the Green Belt and AONB. Perhaps it might be better if productive agricultural land was conserved, but then again, every farmer has his price.</p> <p>From the housebuilders' perspective, creating an urban park, which can then be concreted over after 80-years' use as a canine toilet by commercial dog-walking enterprises, is an obviously worthwhile investment if it allows them to construct and sell thousands of houses nearby. If this SANG is to serve the needs of the local residents in these new housing estates, why is a car park required? Surely, they can walk, cycle, or take the bus?</p> <p>Perhaps Dacorum Borough Councillors should also consider what is in this deal for them? After all, the Council now has a Liberal Democrat administration which is unlikely to benefit financially through donations by housebuilders; Taylor Wimpey, Savills, and Barratt have only donated cash to the Conservative Party in the past, and the Conservative Party will now have little influence in planning decisions in this area, except through 'unofficial' channels, of course.</p>
<p>Nettleden And Frithsden Society</p>	<p>I am writing to you as chairman of the Nettleden and Frithsden Society and attach our response to the above planning application plus an Annex containing a series of photos of views of the proposed site from various public footpaths and roads.</p> <p>I should be grateful if you would consider these comments and also upload these for me to the public site for this application so they are available for members and the public to read. Unfortunately, because of the photos and pictures, the usual way of uploading comments does not work.</p>

	<p>To view these online please go to the documents tab on the following page: <a href="#">Dacorum Public Access (Application ref. 24/01239/MFA)</a></p>
<p>3A Chestnut House Farm Close Shenley Herts WD7 9AD</p>	<p>I have just read a copy of the objection letter to the above planning application sent from the Nettleden, Frithsden and District Society. I am the co-owner of The Alford Arms in Frithsden. I wholeheartedly agree with their objections and I would like to add my weight in opposition to the proposed SANG. There is no doubt that placing this amenity so far from the actual development at Pouchen End makes no sense and it is more likely to attract new residents from the proposed massive development to the north of Hemel Hempstead. This would cause no end of traffic chaos at the bottom of Potten End Hill and in effect turn the land alongside the Lady's Mile into a municipal park, which is wholly inappropriate for the area. The area around Ashridge, the untouched villages and hamlets, the AONB and the wonderful Grade 2* landscape must be protected at all costs. To appreciate the special nature of this valley, you may want to take a walk on the hidden footpaths along the Lady's Mile and experience the wealth of wildlife that will be disrupted by the SANG. Some invisible, but you can't help but notice the song of the many skylarks that nest in the fields.</p> <p>I think it is important that developers consider amenity land when building these large developments and Hemel Hempstead is a great example of how successful this can be, BUT it is successful because the open spaces are mixed up among the houses and as a result create convenient space on everybody's doorstep. Not at such a distance that, without owning a car, would be out of reach of a large chunk of residents. The developers must be forced to consider part of the land destined for housing stock for the purposes of the SANG or to acquire more land adjacent to the development.</p>
<p>The Bungalow Nettleden Hemel Hempstead Herts  HP1 3db</p>	<p>I fully support this.</p> <p>It is needed to help reduce recreational pressures on Ashridge Woods, alternative green spaces need to be identified. With the benefit of it being maintained for 80 years. Or would people rather have it as a housing estate in a decade or so? Nettleden Road (The Ladies Mile, as some will know it as) is littered with cars throughout the day, hikers and dog walkers, park on the grass verges causing a nuisance. The walkers do not stick to the footpaths and can often be seen trespassing on the fields.</p> <p>As some have mentioned, there used to be a very busy Pick Your Own Site, with 100's of cars daily, The Farm shop and Children's farm, had bus loads of children visiting from afar. There is a farm shop now on Water End Road which is popular and has many visitors. None of which has had an impact on the traffic in the village. a 50 car car park is not large and does not mean it will have that amount of cars parked at any one time.</p> <p>This application has my full support.</p>

<p>Cllr Alan Anderson</p>	<p>I am aware that my role as the Council Opposition's spokesperson on Planning matters is purely an unofficial quasi role, and that I am not a ward member for where this application is located.</p> <p>However, I still have to object formally to this planning application, on the grounds that it is an inappropriate location to designate suitable alternative natural greenspace.</p> <p>The site is located in an AONB, or to use the new term in a National Landscape, and the chalk valley sides on each side of Nettleden Road are stunningly attractive.</p> <p>I am aware that SANG applications do not involve physical development in the traditional sense, and I do not share the knee-jerk objections made when SANGs are considered.</p> <p>However, in this particular case, I feel that even additional footpaths, and the natural 'developments' which would be required to bring the land up to SANG standard, along with any BNG requirements, would harm the location and wreck the chalk valley characteristics which make the location stand out so much as an attractive stretch of countryside.</p> <p>I therefore would be grateful if my objection could be taken into account, and if you're minded to recommend granting permission, if my planning views could be reported to the DMC. (I understand that one of the local ward members is objecting, so that would get round any issues under the scheme of delegation with me trying to refer the application to the DMC.)</p>
<p>Bede Cottage Frithsden Hemel Hempstead HP1 3DD</p>	<p>To view letter of objection please go to the documents tab on the following page: <a href="#">Dacorum Public Access (Application ref. 24/01239/MFA)</a></p>
<p>The White House Potten End Hill Water End Hemel Hempstead Hertfordshire HP1 3BN</p>	<p>Whilst generally I am in support of the principal of a SANG, this proposal seems to be an ill thought through box-ticking exercise, to allow the building of hundreds of houses nowhere near the actual site. Who actually is going to use this SANG and how are they going to get there without driving? Who benefits apart from the developers?</p> <p>I object on the following grounds:</p> <ol style="list-style-type: none"> <li>1. The car park is too big and in the wrong location. Firstly shouldn't we be encouraging people to walk and cycle rather than use cars? But since there are no footpaths up Potten End Hill or Nettleden Road, and no cycle lanes, or any public transport options then there is no choice but to drive. Having the car park entrance virtually opposite Willows Lane is a disaster waiting to happen, since the visibility is very restricted and the speed limit on the road is 60mph. You will have cars pulling out into fast moving traffic from both sides of the road. If there must be a car park then it should be sited at the top end of the SANG by Bingham Park, where there is already access in place for the industrial units. Additionally, locating a car park next to the Gade, a rare chalk stream, is ecologically unsound.</li> <li>2. The site will likely be used by commercial dog-walkers. They have already caused a nuisance in the local area by scaring cattle. Having dogs run wild will have a negative impact on the ground-breeding</li> </ol>

	<p>birds and will likely cause their total destruction. This site should be restricted to dogs on leads only and no commercial activity.</p> <p>3. Finally, how will the site/car park be secured at night to stop fly-tipping, xxxxx, drug-dealing and other undesirable activity?</p>
<p>Bede Cottage Frithsden Lane Frithsden Hemel Hempstead Hertfordshire HP1 3DD</p>	<p>Part 1</p> <p>24/01239/MFA</p> <p> </p> <p>Change of use from agricultural land to Suitable Alternative Natural Green Space (SANG), together with a vehicular access, car park, paths, fencing and landscaping</p> <p> </p> <p>Land Nettleden Road Potten End Berkhamsted Hertfordshire</p> <p>We would like to register our objection to this planning application for a SANG in the strongest possible terms.</p> <p>This proposal will significantly change this piece of land in terms of its visual impact within a highly sensitive area, and damage its already existing biodiversity. We do not believe it will serve the originally stated purpose of providing a publicly accessible green space for the residents of new housing developments around Hemel Hempstead to use as it is nowhere near them. We do not believe it will divert people from visiting the Ashridge Estate and the Chilterns Beechwoods Special Area of Conservation which this policy was designed to protect. We believe that on the contrary it will actually attract more people to visit them and the area of AONB / Chiltern National Landscape and the historic villages which are immediately adjacent and surrounding them. This wider area too is suffering from too many visitors, increased traffic and many associated problems in recent years.</p> <p>Visual impact of the site &amp; harm to the beauty of AONB / National Landscape &amp; setting of heritage assets: Firstly this is not just any old piece of farmland of no intrinsic value. The views both up and down the valley along the "Ladies Mile" area of Nettleden Road are of unspoilt open countryside on both sides. As you pass through all you see is open farmland with minimal encroachment of modern buildings or features. You see the occasional walker and can often spot hares in the fields and birds soaring. The view of the large open fields with no hedges or fences sweeping to both sides is a much appreciated, indeed iconic local view.</p> <p>In the broadest terms this view makes a significant contribution to the beauty of this part of the AONB / Chiltern National Landscape - with extensive vistas from many of the local footpaths including the Roman Road above Frithsden, paths from Great Gaddesden as well as from the eastern side of Potten End depending on the time of year.</p> <p>We believe that the changes proposed will cause significant harm to these views and in specific planning terms will damage the setting of important heritage assets.</p>

The Heritage Statement acknowledges that there are a significant number of heritage assets which will be affected by this proposal

"The Site forms part of the setting of a number of heritage assets including the Grade II\* Listed Moor Cottage, Water End Conservation Area, the Grade II\* listed Gaddesden Place house, the non-designated Gaddesden Place park, the Grade II\* Ashridge Estate registered park and garden, Frithsden Conservation Area, Nettleden Conservation Area and Bingham's Park Grade II listed building."

There cannot be any justification for even considering the siting of a SANG in such a sensitive place. There must be any number of other possible sites where there is no risk of harm to heritage assets

Quoting from the Transport Statement submitted with this application

"Paragraph 205 of the NPPF states that great weight should be given to the conservation of heritage assets when considering the impact of a proposed development and Core Strategy Policy CS27 requires development to protect, conserve and where appropriate enhance the integrity, setting and distinctiveness of heritage assets."

The views down the valley form an important part of the setting of the Grade II\* listed Ashridge Park and Gardens which runs to the north side of Nettleden Road adjacent to the northern end of the proposed site. This area should have strong planning protection and any detrimental effect on it which we believe these plans would have should have significant weight in terms of whether this application should be granted. These views likewise form part of the setting of the Nettleden Conservation Area and its approaches. Nettleden is nestled in a setting of unspoilt open fields in all directions with extensive views as you leave Nettleden heading towards the junction with the Ladies Mile. There is currently little encroachment on these views existing footpaths being discrete and largely hidden.

The Transport Statement itself admits "there may be some level of harm to the setting of Water End Conservation Area and nearby listed buildings." The car park falls within the setting of this area and will have a detrimental impact even despite measures to shield it from view.

The view down the valley of unspoilt landscape to Gaddesden Place House and its park again forms part of the charm and interest of this vista as you go away from Nettleden. Likewise it is important that the currently unspoilt pastoral landscape view stretching into the distance from Grade II\* listed Gaddesden Place house is not ruined either.

In accordance with paragraphs 207 and 208 of the NPPF, "where a development proposal will lead to harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal."

We believe that the harm to these assets will be significant and will not be outweighed by any public benefit as we will demonstrate later.

The applicants are trying to suggest that their proposals simply involve swapping one type of open green space for another and that therefore there will be no significant impact on the character of the AONB or the setting of these heritage assets. This is disingenuous in the extreme.

The openness of the view will be changed by the introduction of two new hedges and the man-made feature of a long fence along the southern side of the valley. This divides the land into four sections. This will significantly change the appearance of this side of the valley in contrast to the other side of the Ladies Mile and destroy the current sweeping vista. We do not accept that the argument that this reflects the 19th century field structure is sufficient to justify changing the beautiful view as it is now. Likewise the ecological argument that the new hedges will be a valuable habitat is not sufficient to outweigh the harm done. In this area we already have an abundance of ancient hedgerows with their extensive biodiversity. We understand that there is an Article 4 direction removing permitted development rights for fencing on this land because Dacorum Borough Council were keen to retain the openness of the landscape without any man made features amid concern at the time about 20 years ago that the land might become subdivided.

We understand that a requirement of a SANG is that dogs must be allowed off their leads to roam freely. There is clearly potential here for a lot of problems if this site is used by a large number of dog walkers as we believe it will be. It is likely that a significant amount of dog-proof fencing will ultimately be required not all of which is detailed in the current supporting documents.

We feel that the land will take on the look of parkland rather than open agricultural land. In addition to the fencing, the proposed extensive network of mown pathways will be visible as you look down the valley and this is likely to be more noticeable in winter as the paths become churned up and boggy. All the footpaths in this area become very muddy in winter and people then walk on the edges to avoid the mud effectively widening the paths. (This has been a big problem on the Ashridge estate). (It is also extremely unlikely, from the evidence of other similar paths nearby, that the site will in fact "provide access all year round without areas becoming waterlogged or inaccessible due to wet or muddy terrain" as the DAS maintains. This problem is also likely to be exacerbated if the tracks on the site become extensively used by cyclists, as many tracks through Ashridge are, because this erodes and compacts the ground into muddy ruts. The woods near Frithsden are currently being plagued by youths on BMX bikes who keep digging ramps and constructing what is effectively a BMX racetrack there. The sloping nature of this site will likely be very attractive to them and it is hard to see how this type of antisocial behaviour can be avoided. (Incidentally the steep nature of much of the site makes it less suitable as a walking amenity area for a diverse range of visitors including the elderly or those less physically able).

The park like appearance will be emphasised by the proposed bench viewing points and extensive signage.

The main difference from the landscape as it currently is, will be that people will be able to wander all over the site and put it to whatever use they choose for picnics, ball games, family gatherings, general recreational activities so that at busy times it will have many people on it and so will resemble a busy urban park rather than natural countryside with the occasional walker passing through. The DAS itself admits this on p38, stating

"A large amenity park in the southern part of the Site will help form a new community focus. This area will provide residents a place to relax, exercise and have social interaction with neighbours, friends and family." (NB please see comments further down for what actually constitutes a "local resident").

It is likely that it will get very busy at some times. Based on our experience as residents of the area we feel it is likely that the numbers of visitors on busy days, once the site becomes well known, could considerably exceed those quoted in the transport statement thus also leading to issues with the available parking and leading to overspill on to the verges of the local roads. Our experience has been of a steady increase in visitor numbers. Any new attraction, such as the opening of a cafe at Ashridge House, leads to a sustained increase in visitors, particularly in cars.

P38 of the DAS in fact goes on to say that "Quality landscaping will create an attractive destination for the wider community, as well as the new residents." acknowledging that it will become a destination in its own right attracting people from further afield than the catchment area it intends and effectively attracting more people into the area who may not otherwise have come.

Overall, for all of the above reasons, we do not agree that the proposals provide "enhancements to landscape and visual amenity" of the site as the Green Belt Technical Note states.

There are a number of other important reasons to object to this proposal.

#### Ecological impact

There will be an adverse ecological impact as a large number of ground nesting birds will be disturbed on the site as well as the brown hares and other wildlife and plants already known to be established in the area particularly in Hedzin's Wood and especially if dogs are allowed to roam free. There seems to be little point in destroying one area of land which has significant established ecological value in favour of the hypothetical future ecological benefit of a couple of hedges and some wildflower meadow. This benefit may well not arise in fact depending on how well the site is managed in reality and the extent of the depredations to any measures taken to encourage wildlife and plants that would occur with extensive use of the site by large numbers of walkers, uncontrolled dogs, runners and cyclists and that is before increased littering and any anti social activity is taken into account. We do not agree with the DAS statement that there will

be a "substantial net gain for biodiversity". Moreover the risk to the globally ecologically important Gade chalk stream and the delicate ecology of the surrounding water meadows only 100 metres from the southern end of this site does not seem to have been considered at all. This site already suffers from too many visitors as others have explained and it is likely that many people may decide to walk the paths alongside the chalk stream rather than go uphill towards Potten End potentially with free-roaming dogs.

Over-use of the site and higher visitor numbers than expected:  
We have many concerns, in addition to those already mentioned, that the site may be over-used leading to excessive numbers of vehicles arriving. Since a big part of the aim of these spaces is to allow dogs to run free it is likely that it will attract large numbers of private and professional dog walkers. We are already seeing less than professional-looking dog walkers turning up down our lane from as far away as Watford. It is easy to see how this use might be incompatible with people wanting to use the space for other activities such as a quiet, safe walk with small children. In the same way it might attract large groups of runners or cyclists. The roads in this area are already over-run with large running and cycling groups using them for training.

The site may well become used as a general car park for people taking longer hikes in the Chilterns as it becomes known. There are, for example, always many mini buses belonging to hiking/ school/ D of E groups parked in the area. The site links via existing public footpaths back unto the Ashridge Estate and the SAC and wider AONB area. The supporting documentation points to these links as an advantage of the site and implies an intention to encourage the use of / publicise these links. The Transport Statement does not appear to have taken account of this when talking about the number of user journeys in & out & parking spaces required. If the car park becomes full there will be overspill onto surrounding verges and potentially pressure in the future to expand the size of the car park. What guarantees will there be that this cannot happen? Also will the car park be free or paying? The DAS quotes The Footprint Ecology report (2022), stating that SANG "should provide parking that is free or significantly cheaper than parking at the European sites" but the DAS does not go on to clarify what the policy will be.

Overall the car parking policy seems to be ill-thought out & flawed in the extreme. The Footprint Ecology report goes on to say "A guide to parking provision should be in the region of 1.5 spaces per ha of SANG." We understand that, quite rightly, given its intrusive nature in the landscape & neighbour concerns about antisocial behaviour, the size of the planned car park has been reduced. The justification for this stated in the DAS is that the existing community in the area (in Potten End) will walk to the site, implying that these residents will make up a significant part of the visitors. As we explain in a later section we do not believe that Potten End residents need this site or will use it in large numbers. Indeed, one minute the DAS is talking about the users being the new residents of new developments in a 5km radius, the next, current residents of Hemel & in the next breath residents of Potten End ( in different parts of the DAS and depending on what they are trying to justify). There is no clear logic to any of this.

If the car park is too big it will severely harm the landscape, if it is too small to cope with likely an underestimate of car visitors (or too expensive) this will cause overspill parking issues in the area. This is irreconcilable and is a major reason why the application should be rejected.

#### Potential other unforeseen uses of the site

Given the publicly accessible nature of the SANG, will there be any management control over what other activities can take place there? Is there a risk of organised events being held on the site as many are in Gadebridge Park such as fun runs or other events. This would lead to much noise and disturbance to residents as well as big parking and traffic issues. If the SANG is to be managed under option 3 of a private management company which we understand is the plan, what is the risk / possibility of the site being hired out for financial gain for such events.

#### Management of the site day to day and what happens after the 80 years

In general if the site is managed by a third party company for the next 80 years what guarantees are there that the site will be properly managed in terms of litter, ecological management and general site maintenance and that this will be adequately funded. How would the local authority ensure that it is managed for the benefit of the local community and not ultimately for commercial gain or in the long term interest of the developers. What happens to the site in year 81? There is clearly a risk that the site could become so degraded by over-use that it then becomes classed as "grey belt" or land of "no particular value" in the new terminology and under threat of development. The car park would clearly be a "brownfield" site at this point. Clearly the owners, presumably Taylor Wimpey and Barratt David Wilson Homes at the point it reverts after 80 years, would have a strong interest in seeking development on the site. Given this, the argument that designating the land as a SANG for 80 years protects it is also irrelevant (especially as the area being in the AONB and green belt should give it a very high level of protection in any case).

#### Antisocial behaviour

There is a significant and very concerning risk of antisocial behaviour on the site. It could easily attract trail and motor bikers at night as well as car racing. It is not clear how the site could be effectively secured to prevent this happening or whether local police have the resources to deal with this. These activities are already a problem in this area. Even in Frithsden we can hear motorbikes being raced late at night probably along the Leighton Buzzard Road. Noise travels long distances in these valleys and it is likely that any activity of the like would disturb residents over a wide area of Frithsden, Nettleden, Potten End, Water End and the Gaddesdens. Other people engaged in illicit activities may be attracted there due to the remote nature of the site and its proximity to the main road. People hanging around on the site at night may lead to a general reduction in security and risk to local properties. There is also the possibility of local teenagers gathering and fires being lit which already happens on the Ashridge Estate as well as fly tipping particularly if the car park and site are not

properly maintained and are a mess with overflowing litter bins. There could be issues with people trying to camp overnight. Other anti social behaviour such as people holding parties & gatherings & playing music will be difficult to control if the land is public access. Neighbouring properties may well experience noise disturbance and general racket from lots of people especially near the car park. This will all potentially disturb the rural peace and tranquility of the AONB and Conservation Areas. Other comments have eloquently described the problems at similar sites. The Transport Statement admits

"There is the potential for an increase in noise and disturbance as a result of anti-social behaviour due to the provision of a car park and increase in public access. This could be dealt with by the installation of a height-restriction barrier at the entrance to the car park. Another recommendation is to close the car park between the hours of sunset and sunrise."

It is not clear at all that these problems of would be "dealt with" as the Transport Statement dismissively says by installing a height barrier or closing the car park at night. This would require diligent daily management of the site for 80 years which cannot be guaranteed and indeed any barriers would be circumvented by troublemakers on bikes or on foot.

to continue - part 2

Part 2

Inaccessibility by public transport or on foot from the areas it is meant to serve. This site is not realistically reachable by public transport or on foot. There is a very infrequent bus service along the Leighton Buzzard Road only. There are poor or no footways along the road to the main entrance to the site making this a dangerous route. The DAS implies that the fact that the SANG is crossed by or adjacent to various public footpaths means that people will walk to the site and access it via these footpaths from Hemel Hempstead and the new developments. DAS p 20 These rights of way provide connections to the wider area, including southwards to the centre of Hemel Hempstead and its existing services and facilities which are concentrated along High Street, around 3km from the proposed Site access. This is not really credible. It is very unlikely that many people are going to walk 3km from Hemel Hempstead High Street via a complicated route of public footpaths to go for a walk on this site or to let their dogs off the lead as the DAS implies. Cyclists are unlikely to cycle to the site to go for a walk. It is improbable that cycling will be a principal means of accessing the site therefore. The fact that the car park plans as per the DAS p44 only includes four cycle parking spaces implies that the know this perfectly well. The DAS statement on p40 that the proposals promote active modes of transport is clearly rubbish therefore. We believe that the distances from Hemel Hempstead may in fact have been understated anyway. Almost all visitors will come by car / van. Siting the SANG here clearly, therefore, goes against Hertfordshire's own Local Transport Plan for 2018 where the stated objective is to reduce the need to travel and dependence on the car. As previously stated the site is clearly intended to attract dog walkers - these would clearly not come by bike ( unless with their dogs in a doggy sidecar presumably) Indeed the very existence (and

publicising) of this site amongst the dog-walking community may encourage them to come from much further away than they otherwise would have, probably much further away than the 5km catchment described by the DAS

#### Traffic

Significant concerns have been raised by others in relation to traffic issues with which we agree. There is already major traffic congestion along the Leighton Buzzard Road at different times of the day, sometimes stretching back almost to roundabout at the entrance to Hemel. The fact that most visitors to the site will arrive by vehicle will add to these problems and this is clearly foolish. The turning out of both Potten End Hill and Nettleden Road are notoriously difficult and there have been many accidents and near misses well known to locals even though these are not always recorded in official counts. The Transport Statement states

A new access would be created off Potten End Hill. In terms of highway safety, you have indicated that informally the Highway Authority has not raised any significant concerns at pre-application stage. There is however the potential that the increase in vehicle movements associated with the SANG could have an impact on the junction between Potten End Hill and Leighton Buzzard Road. We would recommend that an analysis of the potential impacts on this junction is carried out

It is well known that unless accidents are formally recorded by the police the Highways Authority does not or cannot take them into account when deciding if there is likely to be an issue in an area. It is vital, however, that the very real & well informed concerns of the many local residents who have commented on this are not ignored as part of this analysis.

Lack of justification for choosing this site, failure to meet objective to divert visitors from the SAC. Given the harm that will clearly accrue to this special site from the proposal as well as the numerous other grounds for objection to it, there must a close scrutiny of the justification for this plan. It is not enough that Taylor Wimpy and Barratt David Wilson Homes have managed to acquire this site. There must be a clear and genuine overriding public interest in this site being used for this purpose, clarity that this SANG will achieve the objective of keeping people away from the Ashridge Estate and the SAC and that the objectives could not be achieved by utilising another less sensitive site. It should not be pushed through for convenience to enable a planned development to go ahead nor to facilitate the maximum number of houses being crammed onto a development site. We do not believe these criteria will be fulfilled and it should not simply be taken as a fait accompli that this plan should go ahead. We understand that the raison d'etre of these SANGS was to prevent any new housing developments in Dacorum from adding to the already severe damage which excessive visitor numbers have caused to the Chilterns Beechwoods Special Area of Conservation Chilterns SAC which forms part of the Ashridge Estate. (We have seen this with our own eyes in the woodland immediately adjacent to our house which has suffered significant depredations in recent years). As a result any new development must provide more publicly accessible green space. As we understood this, when first mooted, the idea was that this green space would be incorporated into the developments themselves or be immediately adjacent. (Another comment has pointed out that this is

in fact what happened with other developments in Hemel in earlier years). This obviously makes perfect sense to anyone that this would enable the new residents to walk their dogs easily, go for a walk without getting in their cars or engage in other outdoors leisure pursuits close to their homes. Incorporating the green space into the developments would also make for a much more pleasant environment to live in and would clearly be more sustainable and ecologically beneficial if wildlife friendly areas were included. We understand that this SANG is being funded by developers who want to build 1100 houses to the west of Hemel at the bottom of Pouchen End Lane. This link was made explicit in early conversations but is now apparently missing from the planning application. It is clearly ridiculous that a SANG which is at a considerable distance from this development and reached by no obvious or easy route is not in anyway going to attract residents of this development to use it. It is clearly not walkable and as has been said people are unlikely to cycle a long distance to go for a walk. To get there by car, residents would have to drive up Pouchen End Lane (a narrow & difficult road) and go through Potten End to reach it thus increasing traffic & causing issues in Potten End. They may very well once in Potten End head off in any case towards Ashridge House and the many other parking or walking spots they would pass en route as this would just as easy and probably a more attractive end destination. They could go round via the north western end of Hemel & in along the Leighton Buzzard Road - another long and circuitous route with its own problems already described. If they headed down to the London Road to Berkhamsted these residents would again pass many other walking spots and access points to the SAC area before they got there. It therefore really beggars belief that anyone can seriously imagine that this would divert people coming from this development from coming to the Ashridge Estate and if this is the case the justification for this SANG completely fails.

Clearly the solution to this problem is for the density of houses on this site to be reduced to somewhere around 900 as was originally proposed and the remainder of the site to be turned into a SANG.

As others have termed it, developer greed to maximise their profits by cramming houses in cannot be a reason to cause irreparable damage to an irreplaceable part of the AONB. Indeed while we appreciate that more houses need to be built, these should be built in a reasonable and sustainable way which respects the surrounding environment. Of course there also remains the major question of why, given the threat to the Ashridge Estate, the SAC and indeed the rest of the AONB locally, the major house building planned for this area is to the north and west of Hemel which brings it extremely close to the boundaries of the AONB.

Probably having realised between the initial consultations and the actual application that the argument justifying this SANG as being for use by the residents of the Pouchen End development to divert them from Ashridge demonstrably fails, the supporting documentation now also tries to widen the scope of the supposed benefits and justification for it in a deeply alarming and highly spurious way. The DAS now talks about a non specific linear catchment radius of 5km which includes nearly all of Berkhamsted, the western side of Hemel Hempstead, as well as smaller villages and settlements in the vicinity and claims that this will divert residents from Ashridge. We have

already demonstrated that it is unlikely to be used by residents of the Pouchen End Chaulden area of Hemel. It is extremely unlikely to be used by residents of Berkhamsted as they would either go out of Berkhamsted to the north heading to the Monument area or if heading up past the castle would go to the Ashridge House area, or any of the well-known walking areas in between (or even the Berkhamsted SANG).

The DAS states that The location of the Site is well related to Hemel Hempstead. As such, the Site is in a location that would intercept visitors travelling north to visit the nearby SAC, Ashridge Commons and Woods.

It is true that the site is on the way for visitors heading from north Hemel Hempstead to Ashridge. However we do not agree that it would effectively prevent these visitors from heading onwards to Ashridge. Existing residents of Hemel who visit the area are likely to know it well and will have their preferred spots in the Ashridge area already. They are also unlikely to be diverted from the ancient Ashridge woodlands to a less attractive, less genuinely natural landscape. Promoting the site to the new residents of the hypothetical developments may well have the unintended consequence of making them more aware of the Ashridge Estate and actually attracting more people there. Once as far as the SANG it is likely that people may be attracted to explore further into the area towards Ashridge House, the woodlands and the facilities of the National Trust visitor centres current and proposed. The extensive network of public footpaths linked to the SANG, which the DAS makes such a virtue of, may simply encourage people to walk on into Ashridge Forest increasing the footfall on paths through Nettleden, Frithsden and the Gaddesdens and the footfall in the closest areas of woodland such as Frithsden Beeches which are already much damaged. Hikers may simply use the car park as a base to hike from overloading its predicted capacity as previously stated.

The lack of facilities on site will, as many commentators have said, encourage people to venture further in search of toilets and refreshments increasing visitor numbers in the wider area. This is not a good thing. Villages such as Frithsden are already at capacity with visitors and cars parking everywhere. The DAS itself points out that there is not a safe footpath up Potten End Hill if people head up to Potten End village. Nor do the residents of Water End want lots of people heading along the Water Meadows to the Garden Centre. (Perversely, however, were visitor facilities to be provided at the site it would likely become a major magnet for visitors with significant issues such as those currently experienced at the Monument. The statements in the DAS are also controversial for number of other reasons

The DAS keeps referring to the SANG at Hemel Hempstead. It is absolutely disgraceful & misleading to say the site is situated at the northern edge of Hemel Hempstead as the DAS does. It is separated by a wide area of open, unspoilt countryside from the edge of HH 1.3km according to the DAS. It is a completely different & distinct area with its own character and special features. The area around the SANG is made up of a few small rural villages and hamlets. Potten End, Water End, Nettleden, Frithsden & the Gaddesdens. Nobody in this area considers themselves to live in the conurbation of Hemel Hempstead.

It is extremely alarming that the DAS talks about this site as if it is already part of Hemel Hempstead or will soon be swallowed up into it. (The planning policy for many years was that this separation between small market towns in this area should be strictly maintained and towns such as Berkhamsted and Bovingdon should not be subsumed into Hemel Hempstead. It is essential for the protection of the AONB and the character of these charming towns that this is not permitted).

When discussing the SANG and the need for it or otherwise it should be remembered the true local community in this area are the residents of these villages of Potten End, Water End, Nettleden, Frithsden & the Gaddesdens. The Transport Statement admits that these are the only areas from which the SANG can be reached by a reasonable 5-20 minute walk.

The DAS states on page 7.

The SANG will provide attractive natural green space and walking opportunities..... offering an alternative destination for informal recreation in the countryside for new residents and the local community.

The residents of these villages have no need of the SANG. They are already well versed in the local area and its footpaths. They have no need of further green space and are unlikely to use the SANG. The extensive network of public footpaths is already available to locals and the visiting walkers and hikers who seek out and appreciate the beauty of the Chilterns Landscape rather than merely those seeking a bit of open land to run their dogs. It is not acceptable to foist this development on the actual genuine local community therefore.

The DAS has now become, it seems, deliberately vague about the originally stated link to the Pouchen End development. It states that the SANG aims

to provide an alternative destination for informal recreation both for new residents of proposed residential developments in the local area, but also for the existing community in Hemel Hempstead. The proposed SANG will unlock potential development opportunities within a 5km distance of the Site DAS p 1

Page 33 of the DAS further states:

At present, the capacity of the Potten End Hill SANG is not designed to suit any particular development, but it is intended to be used as general capacity for future development within the local area, to be allocated accordingly by the proposed applicant. This capacity will be retained for use in mitigating future developments within the 5km SANG catchment

It is clear reading the DAS statement closely that the real intention behind this site is not a properly quantified, thoroughly researched plan to meet a clearly identified public need to provide an area of public greenspace for the Pouchen End development. This justification in any case fails as discussed) It is in fact a purely speculative attempt to secure a SANG to facilitate other non-specified proposed residential developments in the

local area or to unlock other potential development opportunities. With such vague aims, it cannot be said that an overriding public interest need has been demonstrated which would outweigh all the great

	<p>damage using this site would do. Indeed the proposed or potential future developments within 5km mentioned presumably form part of the proposed local plan which is highly contentious and is still at the consultation stage. The SANG is therefore premised on the basis of a purely speculative uncertain future need.</p> <p>It is clear also that the entire SANG policy as it seems to be operating in Dacorum needs to be reviewed. There seems to be a very worrying policy of developers grabbing any bit of land around the SAC that becomes available and and trying to say it is suitable for a SANG. The worst thing about this is that the pieces of land currently identified are all right on the edges of the Ashridge Estate and the SAC which they are trying to protect. This will simply as we have explained attract more people to the area who will then move on into it. The only way to protect this special area is to ensure that the greenspace is incorporated into the developments so that it is genuine resource for the everyday recreation needs of the residents without their needing to get in their cars. People will then still want to visit the SAC area sometimes but this is really a separate problem from their everyday recreation needs. If they have somewhere nearby to use regularly they will perhaps choose to make a trip to a destination within the SAC less often. Of course the only real way to prevent any further pressure on the SAC is to avoid large scale house building in the adjacent area. We say this not as Nimbys but because once this special area is destroyed it is gone forever and it is essential that it is protected for future generations.</p> <p>Overall we feel that this proposal for a SANG at Potten End Hill will cause substantial detriment to the views in this part of the AONB/ National Landscape, that it will cause substantial harm to the setting of the many heritage assets around it, that it will not in all likelihood lead to an increase in biodiversity. It will add to traffic issues and a general increase in car journeys and car use. Rather than keeping people away from Ashridge and the SAC it may actually encourage more visitors to come. It may well lead to antisocial behaviour which will cause serious issues for both immediate neighbours and those further away, preventing their quiet enjoyment of their properties. It is clear that the initially stated objective of diverting residents of the Pouchen End development from Ashridge will not be achieved; the idea of approving this development to facilitate unspecified hypothetical housing developments in other parts of Hemel and Dacorum in the future is outrageous. For all of these reasons this proposal must be rejected.</p> <p>P.S. We have just been alerted to the development consultation by Taylor Wimpey for the large tract of land at Chesham Road in south Berkhamsted. Just to be absolutely clear, the SANG which is the subject of this application will not serve to divert anyone living at this new development from the SAC either and cannot be claimed as suitable mitigation for this. To reach it residents will have to negotiate the already congested roads through Berkhamsted via Hilltop Road and Gravel Path or via Kings Road and New Road passing numerous other better walking areas and entry points to Ashridge on the way.</p>
2 Bradden Meadow	My husband and I strongly object to this proposed SANG and fully

<p>Gaddesden Row Hemel Hempstead Hertfordshire HP2 6BN</p>	<p>endorse the numerous eloquent &amp; informative comments made by other objectors. It is a travesty that this application is even being considered by Dacorum Borough Council. Besides the glaring ecological reasons why this development should not go ahead, the extremely dangerous situation with traffic congestion, should not be ignored. Through no fault of my own, I was involved in a traffic accident in this area. It makes no sense that a recreational space (SANG) would be created for a housing development over a mile away, requiring residents' to travel by car to utilize it. There is ZERO safe pedestrian access. It should be COMPULSORY for builders &amp; developers like Taylor Wimpey to create recreational spaces WITHIN their developments, where children &amp; families could meet &amp; socialize. However, developers are allowed to squash the maximum allowed number of houses onto their land for maximum financial gain. Pure greed! The idea of creating a SANG in this Area of Outstanding Natural Beauty is so ludicrous that one has to wonder what the long term plan might be. Undoubtedly it's the first step in destroying our precious green belt and covering the countryside with wall to wall houses. Once the green belt is gone, it's GONE. Do not allow this to happen!!</p>
<p>Gadd row Gaddesden Row Great Gaddesden Hemel Hempstead Hertfordshire HP2 6HJ</p>	<p>This potential plan is totally unnecessary encouraging walkers to take the easier option through the fragile ecology of the water meadows and precious chalk stream. Most people will ignore the steep pathway to Potten end. The water meadows are important breeding grounds for the ground breeding birds nesting including corn bunting and yellow hammer, which will be impacted by the extra people and their dogs if this is allowed.  It can not be allowed, traffic already too heavy on Leighton buzzard road and Water end bridge , never mind the impact on the beautiful historic dry valley!  A car park opens up other uses in the future ie buildings etc etc.</p>
<p>1 Gade Valley Cottages  Dagnall Road Great Gaddesden Hemel Hempstead Hertfordshire HP1 3BW</p>	<p>My wife and I strongly object to the proposed positioning of the Potten End Hill /Nettleden Road SANG for the following reasons:  RELEVANCE OF THE PROPOSED AREA: 1. It is inconceivable that people visiting Ashridge would divert to a relatively smaller area just because it is designated as a SANG. We have lived in Gade Valley Cottages along the Leighton Buzzard Road (Dagnall Road) for 24 years and consider ourselves fortunate to live in such a beautiful area. (The busy road was the compromise) The whole area attracts visitors now but not as an alternative to the vastness of Ashridge with its winding pathways through wooded areas &amp; open spaces; history &amp; educational activities; cafes &amp; golf course; pond-life &amp; deer - an area large enough to cater for all abilities, disabilities &amp; age groups - as opposed to the proposed steep dry valley peppered with hedgerows. 2. Likewise, those living on the new development are unlikely to drive the distance to the Potten End SANG in preference to a recreational</p>

area that could easily be incorporated into the new development build to better suit the diverse needs of the new community. Or in preference to the vastness of Gadebridge that already caters for all ages and abilities.

3. We do not think the proposed Potten End Hill /Nettleden Road site is a suitably relevant area as a SANG

#### EFFECT ON THE EXISTING AREA:

Assuming there is a successful concerted effort to draw people away from Ashridge and their own new development area, we would compare it to the many hundreds of people who drove to and walked through this area during lockdown as an example of what happens when a relatively small area experiences extra footfall:

1. There was a constant stream of people walking in both directions across the river, passing the parish hall & up to the woods. Sometimes there were more than 10 groups at any one time, as far as you could see in both directions, each trying to socially distance as they passed each other- now we have a manageable average of approximately 10 groups a day.

2. We had to put a sign on our gate asking people not to scrape their boots on there & tried putting a bucket of water out for them to use (they scraped on the hall gate instead!) - we moved the no parking sign to the driveway itself so they didn't park and block us in behind the houses, put a no dog fouling sign with an 'emergency' poo bag under a stone by it (those that used it, left it by the sign! - many others just let their dogs foul everywhere) & we downloaded a notice from the council website about keeping their dogs away from cows, etc.

3. Different times obviously and we certainly didn't object to people using the area for the benefit of their own mental health, but wish they had respected the area too.

Q. What long term provisions are going to be included in this proposal that prevents a recurrence of the relatively short term damage and disruption experienced during the lockdown influx?

#### KEEPING PEOPLE & DOGS TO THE DESIGNATED AREA:

1. It seems pretty obvious that people parking at the Potten End Hill SANG will automatically choose the prettier, flatter walk along the stream, especially with the draw of the garden centre cafe en route.

2. A nice tempting circular walk would be along the stream, (possibly a stop at the garden centre, the swings, or for a paddle for people or dogs in the chalk stream), across the fields, crossing the Dagnall Road (name-changed now from the Leighton Buzzard Road at Gade Valley Cottages) and up into the woods, down again to crossing back at either the Hemel Garden Centre crossroads or further along by the houses just before the s-bend bridge - a footpath that just comes straight out onto the winding road without a footpath or verge for protection! There's also no footpath beyond Gade Valley Cottages to encourage walkers to head in the direction of Dagnall.

Q. What long term provisions are going to be included in this proposal to ensure the existing eco-habitat is protected, people criss-crossing a busy road are safe and residents are not adversely affected?

**MAINTAINING THE AREA:**

Council finances naturally concentrate on where the population is highest.

1. The only regular assistance the neighbourhood receives is the hedgerow opposite the cottages that is cut by a tractor once a year, a very occasional visit from a road sweeper and our bins are collected weekly.

2. Being on the outskirts, currently as neighbours we manage to litter-pick generally and keep the grass verges & into the footpaths mowed and the hedgerows trimmed. The Parish Hall includes the adjoining verges in its gardening programme.

3. Litter consists mainly of plastic bottles & drinks cans, bits of cars, sweet wrappers, tissues and waste from takeaways (mainly McDonalds)

4. On one occasion we had a lady park in the residents parking area behind the cottages to allow 9 dogs to roam free. Another let her dog off the lead in the driveway & it immediately relieved itself over my toolbox. On both occasions neither apologised and acted as if their dogs' needs took precedence.

5. We asked the Dacorum dog warden for help as we poo-pick the 100 yards up the driveway & into the field behind. We were grateful for the 'no dog fouling' signs sent but apparently don't qualify for a dog waste bin. This is another issue that would definitely need to change with an increased footfall. Possibly to the extent of having dog wardens to ensure people have poo bags and their dogs are being properly controlled.

6. There was a planning application for a doggie daycare centre that was declined as not suitable for the area; what has changed?

7. Children walk to school through the fields and it's not at all pleasant now, that's without actively encouraging more use.

8. We have lorries and cars that stop in the 'unregistered' lay-by opposite Gade Valley Cottages to relieve themselves either by the side of their vehicle or by popping through the gate into the field.

Q. What long term provisions are going to be included in this proposal to ensure increased litter and/or fly-tipping is controlled?

Q. What long term provisions are going to be included in this proposal to ensure dogs are being properly controlled by less considerate owners, and dog faeces are not affecting the health of children or walkers?

Q. What long term provisions are going to be included in this proposal for toileting facilities for people?

**HIGH TRAFFIC AREA:**

1. The amount of traffic that uses the Leighton Buzzard/Dagnall Road is now an all-day problem, both weekdays & weekends and to actively encourage people into their cars for recreation would only increase traffic on an already overused road network.

2. Downgrading to a B-road has helped to keep most lorries off the road but there are still plenty of trucks that think it doesn't apply to them.

3. From about 6am to 9-ish, and again 3.30pm-7-ish, is a major daily problem as there's a constant flow of cars & it's very difficult to exit the driveway in a car and crossing the road with the children for school on

weekdays and recreation at weekends is a nightmare. The same applies if there's an accident or hold-up on any of the motorway or major routes.

4. The speed indicator sign is largely ignored during quieter times and at night
5. Youths taking part in organised walking activities are always met by the organisers to cross the road as it is considered a danger spot.
6. A neighbour put a mirror up on the speed indicator sign to aid drivers and walkers exiting the hall driveway/footpath, but this would need replacing with a permanent fixture if traffic increased as it was only purchased from the internet and tends to blow out of alignment in the wind or as lorries pass.
7. We have white rocks on the verge opposite the cottages to prevent cars undertaking into the pathway of people trying to exit the field to cross the road. We've all experienced times when we're indicating right to turn into the hall driveway and someone has tried to under, and one even over took on the right.
8. Motorcyclists love the bends in the road and the constant noise from the hundreds that pass on a nice sunny day is disturbing when trying to enjoy a day in the garden. They usually ride in groups of 10 or 20 so just as one group has whizzed by, so the next take over - and then they all come back again!
9. Increased traffic would also need to compete with overtaking motorbikes, and possibly lead to more accidents. That's without pedestrians trying to cross or even walk along the road.
10. Pedal cyclists tend to avoid the road, or cycle early in the morning or late evening. We don't use our bikes at all from home.
11. There's always accidents at the junction of Potten End Hill where cars cross the Leighton Buzzard /Dagnall Road without realising that there's a T-junction at the bottom of the steep hill.
12. Not all accidents involve the police so therefore many go unrecorded.
13. We've had a car pull straight out into our path from Nettleden Road and ran us off the road towards the river bank.
14. Cars driving in the direction of Dagnall, fail to negotiate the bend at the garden centre cross roads and end up on the grass verge outside the garden centre (one recently was upside down & another previously took down the telegraph pole), or into the tree by the bus stop if going in the other direction.
15. The public footpath from Gade Valley Cottages to the garden centre is too close to the road for safety and too narrow & close further on towards the s-bend bridge, where it then doesn't exist at all.
16. A mobility scooter was needed prior to having surgery recently, and the only route that could be negotiated was up as far as the garden centre, round the houses in the village and back again. Although even then the pathway opposite the parish hall was a bit hairy.
17. With no footpath along Potten End Hill, Nettleden Road and on the Leighton Buzzard Road from the bridge to between both roads, it would be extremely dangerous if people decided to walk to the SANG.
18. That's without negotiating the tailbacks that the single-track s-bend bridge experiences. Quite often at its busiest times, tail-backing as far as Hilliers Garden centre and occasionally to Gadebridge, and

	<p>the Hemel Garden centre in the other direction and occasionally as far as Gade Valley Cottages, the resulting cars trying to find an alternative route through, which we guess would impact a car park repositioned to the top of the SANG?</p> <p>19. That said, although not ideal, a car park at the top of the SANG would offer a slightly safer alternative to that at the bottom of the hill where exiting motorists would have poorer visibility and faster downhill traffic to contend with.</p> <p>20. The damaged walls alongside the bridge and houses are testament to the number of vehicles that mount the kerbs and hit them.</p> <p>21. The road is littered with wing mirrors and wheel trims from cars and trucks failing to pass each other safely. Our own wing mirror was hit and broken by a van straddling our side of the road where the footpath exits on the winding road just before the bridge (2 - Keeping people &amp; dogs to the designated area)</p> <p>22. Most of the lockdown traffic came from the direction of Hemel so all the above will only be exacerbated by the new development.</p> <p>23. The road would need a serious traffic / pedestrian / cycle survey to determine whether it's safe to have another car park along its length. There are already 4 car parks exiting from the Red Lion pub, the parish hall and both garden centres; two garage &amp; a carpet business, as well as footpaths criss-crossing the busy road, and of course road junctions and private driveways.</p> <p>Q. What long term provisions are going to be included in this proposal to ensure ALL road users are safe and the carbon footprint isn't increased by actively encouraging people to drive to a recreation area?</p> <p>All in all, it seems the location chosen to reduce visitor numbers to Ashridge and provide suitable recreation space for the new housing development has too many things that just don't make logical sense:</p> <ul style="list-style-type: none"> <li>- In relation to Ashridge, ruining one special environmental area for another</li> <li>- And in relation to the new development, an easier and more logical option would be to design it into the new development itself, thereby catering for the diverse needs of the new community and avoiding the need to use a vehicle</li> </ul> <p>We would ask that this proposal is rejected and the existing wider area around the proposed Potten End Hill site offered the environmental protection and recognition that it deserves. Thank you.</p>
<p>Pipers Forge Nettleden Road Nettleden Hertfordshire HP1 3DQ</p>	<p>I would like to object to this application on the grounds of serious negative impact on the local ecology, increase in traffic and associated noise and air pollution, and its overall lack of imagination in terms of sustainable transport and active travel infrastructure;</p> <p>As well as permanently changing the local landscape, allowing dogs to roam free would be detrimental to the various ground-nesting birds and other established wildlife in the area. In addition to this devastating impact within the proposed SANG, footfall and dog-walking would inevitably increase on the adjacent footpaths along the Gade water meadows, a globally rare chalk stream. Indeed, an</p>

	<p>example worth noting is that the previous open access across the field from the Nettleden Road to Great Gaddesden had to be removed by the landowner after lockdown, apparently due to overuse by dog walkers and the negative impact on wildlife and cattle therein. If this proposal proceeds, Dacorum or the landowner should consider introducing a commercial dog walker licensing scheme or a ban as implemented by the Boxmoor Trust.</p> <p>In addition, The Design and Access statement has no statement about how dog fouling will be controlled within the SANG causing a potentially serious public health issue. Although all public space in Dacorum is subject to a PSPO controlling dog fouling, there is little evidence that enforcement takes place locally and it is not clear if a privately owned SANG would even be considered a public space. Anti-social behaviour in general is also of concern, as action in respect of other local reporting of issues is often slow, or not progressed.</p> <p>The proposal does not satisfactorily address active travel access to the SANG and as such would increase traffic and associated air and noise pollution along the Leighton Buzzard Road and alternative routes via Berkhamsted, Potten End and Nettleden. Speeding on many of the surrounding minor roads, and the failure of Highways to enforce a 40mph limit on those roads considered appropriate would persist, creating additional hazard for local residents who know the roads well and drive according to the conditions.</p> <p>Dacorum's corporate priority is to reduce emissions and reach net-zero as soon as possible and as such, the only likely way to achieve this would be to create an on-site SANG, adjacent to the new housing development, and thereby allowing pedestrian access to local residents without the need to travel further afield, most likely by car. It is also unclear from the proposal how the proposed location of this SANG would meet National England's objective of deflecting visitors from the Ashridge Commons and Woods SSSI.</p>
<p>The Moor 3 Water End Moor Water End Hemel Hempstead Hertfordshire HP1 3BL</p>	<p>I strongly object to the proposal. 24/01239/MFA. I feel it will bring more traffic and pollution to an area that is already under pressure. If such areas are required, they must be located close to the development so car use is minimised.</p> <p>The extra footfall will also be detrimental to plant, wildlife and the river Gade chalk stream. Also, the increase in litter, and commercial dog-walkers will bring no positive benefits to the area.</p>
<p>Wayside Nettleden Road Little Gaddesden Berkhamsted Hertfordshire HP4 1PP</p>	<p>This large field view is a stunning part of our local landscape; many times as I drive towards Water End from Nettleden I am arrested by the beauty of the vista.</p> <p>Also it is productive farmland with large numbers of skylarks. To reduce it to a dog walking area is a crime.</p> <p>It will be mostly accessed by car causing further congestion and pollution in the Water End area which is already a bottleneck with dangers when emerging onto the Leighton Buzzard road from Nettleden and from Potten End. Work is presently being done to improve the course of the River Gade through this part of the valley</p>

	<p>and this will compromise that with additional run off.</p> <p>There should be room on the huge area being developed between Piccotts End and Water End for onsite pockets and drifts of land to break up the housing providing landscaping and outdoor amenities for residents without crossing the boundaries. This feels like greed on the part of the developers to cram in as many houses by putting the amenity land elsewhere.</p>
<p>Nettleden Farm Roman Road Nettleden Hemel Hempstead Hertfordshire HP1 3DQ</p>	<p>I am writing to register my concerns regarding a planning application made by Taylor Wimpey for a SANG extending across the entirety of the land between the west side of the Ladies Mile going all the way from the Leighton Buzzard Road to the junction with the Nettleden Road ("the Site").</p> <p>I live at Nettleden Farm, and have done so for more than 30 years . During this time I have done my bit to maintain the beauty of this valley and its fauna and flora. Changing the use of the Site from agricultural farmland to a recreational park may on the face of it seem to be harmless, but the reality will be very different and the impact on the valley will be very detrimental.</p> <p>This application is being made to support a major residential development on the western edge of Hemel Hempstead at Pouchen End Lane. There is no reason why Taylor Wimpey could not create a recreational area within their development by building a few less houses. I would mention that Taylor Wimpey's residential development site is a considerable distance from the Site; there are green space areas much closer such as Bunkers Park Open space and Gadebridge park which I think are underused. There is also Berkhamsted Common and walks along the canal.</p> <p>An objective of Hertfordshire's local transport plan is to reduce the need to travel and reduce car dependency. Proposing a Sang so far away from Taylor Wimpey's residential development and creating a car park seems to be totally contrary to the objectives of the transport plan by encouraging the use of cars to get to the Site.</p> <p>It is one of the quirks of life that people visit places of interest when they are on holiday but rarely do so in the area in which they live. The proposed SANG will be used mostly by visitors from North London and other large urban conurbations rather than local residents. Visitors from urban areas do not have any knowledge of the country code. Also in the last 20 years there has been a very marked decline in the respect shown by people to others or property. My wife and I have experienced people climbing over our fences and strolling on the our land, vandalizing structures, picnicking, and building campfires on our property as well as fly tipping . Visitors coming to the area seem to think they can do what they like. The Site, being such a large area, will encourage biking which will soon churn up any grass pathways. The Site, being relatively remote particularly at night, will also give rise to anti social/illegal activities such as camping, drug taking and fly tipping .</p> <p>With all the additional hedgerows, fencing, benches, signage and bins proposed, the Site will look more like an urban space rather than natural open countryside as currently exists. The published SANG guidelines by some Councils recommend signage is limited to the car park and a semi natural looking landscape with plenty of variation. Woodland or a semi wooded landscape is considered to be a key</p>

	<p>feature . Taylor Wimpey's application does not appear to follow these guidelines.</p> <p>I note that one of the requirements of a SANG is that dogs can be left off the lead . Taylor Wimpey acknowledge that there are hares and ground nesting birds on the Site . How will these be protected?</p> <p>Further, the Site will attract the commercial dog walkers . They arrive with a van full of dogs which are then left to roam. With so many dogs to handle my experience is that they have little or no control over them. I am aware that the Ashridge Estate have had problems with commercial dog walkers and have had to ban them from certain areas . We have sheep on our land on a regular basis. Only a few months ago a neighbour had a serious problem of sheep worrying by dogs. Unless the proposed fencing is completely dog proof and kept properly maintained then we and any neighbour who has stock on their land is potentially at risk.</p> <p>Once Taylor Wimpey have set up the SANG they will walk away. Who will ensure that the Site is properly regulated and maintained, litter is picked up, and bins cleared on a regular basis? With the current economic climate the Council is short of money and certainly has more important priorities than paying for the maintenance of the Site .</p> <p>If the Sang is approved then it should be a condition that Taylor Wimpey provide/ organize the provision of funding in perpetuity for the maintenance of the Site.</p> <p>I would ask that this application is rejected.</p>
<p>Meadow Cottage Pipers Hill Nettleden Hemel Hempstead Hertfordshire HP1 3DQ</p>	<p>My friend, who does not have internet access, wrote an objection letter to S. Robbins dated 23rd June 2024 and hand delivered it to the Civic Centre internal postbox within that building, together with a carbon copy addressed to James Doe - neither published.</p> <p>I agree with almost everything he said and herewith present my version:</p> <p>I wish to object in the strongest terms to the SANG application 24/11239/MFA REF. SANGS.</p> <p>Whilst in principle I am not opposed to SANGS in the right place for the right reason, I am vehemently opposed to this one. It does not meet the correct criteria for a SANG in any way. I should not have to waste my time telling you what that is, your department have all the rules at your disposal, and in any case many other objectors have clearly demonstrated what they are.</p> <p>To be specific:</p> <p>Location area: _____</p> <p>In an AOONB highly visible from Gaddesden Place one of several precious and listed buildings in the area.</p> <p>Why does it have to cover an area so large (40+ hectares)? I suspect to comply with the catchment area criteria for future massive house building which is totally unacceptable in this particular AOONB and spectacular landscape, - the major interest being vested in</p>

developers, estate agents et al.

Precious little to do there that is not already available, and more, at Gadebridge and other parks which have good public transport routes available to most residents of the borough.

Currently a beautiful agricultural vista which takes my breath away when approached from Nettleden village each day, which makes an area of outstanding natural beauty exactly as described. The population of this country desperately need to retain farmed agricultural land despite current DEFRA et al policies.

I do not believe that this proposal will have any impact whatsoever on relieving the perceived problems at Ashridge. I understand that this proposal relates to the housing development at Pouchen End where there is already open green space much closer to the development which should be made available for the proposed SANG - this should be the priority, not imposing it on our beautiful rural community.

Any subsequent negative impact on the River Gade and water meadows has to be a consideration in this proposal - I do not see it mentioned anywhere in the published planning documents.

Proposed Use:

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The application seems to be concentrating on dog walking as the most frequent usage proposed. Who wants to put their dog in a vehicle and drive miles to walk it when there are so many other convenient places to walk? - I thought the council was trying to discourage vehicle usage. I suspect that professional dog walkers will be the most frequent users and around here we have witnessed how much nuisance they can cause. Despite this, I understand that there are protected and endangered bird species in the proposed location which could be decimated by dogs marauding about the land. Also, other established wild life driven away from their habitat by invading human and animal species. I can see that more knowledgeable protesters have provided plenty of detail with which I fully agree. I would also question the seasonal timing of the ecological surveys regarding the dangers to wildlife .

Car Park:

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The second proposed location of the now 50 space car park is no more acceptable to local residents than the original, makes no sense at all and is open to gross misuse (as mentioned in other objections, with which I totally agree) if not managed in perpetuity. Bingham's Park has the space, security and infrastructure to accommodate it if this disastrous plan goes ahead - why not put it there?

Traffic considerations & local roads:

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Potten End Hill which joins the Leighton Buzzard Road is a nightmare

	<p>to turn out of at the best of times, sometimes the main road is backed up from Galley Hill to Water End and the sight lines are rubbish at the bottom of Potten End Hill. Increased traffic will obviously make matters worse and increase pollution.</p> <p>I fully support the excellent content of objections already published, please publish mine which are submitted today - the deadline date.</p>
<p>Glacis Browns Spring Potten End Berkhamsted Hertfordshire HP4 2SQ</p>	<p>This proposal seems to be to allow the building of hundreds of houses nowhere near the actual site and it will not reduce use of Ashridge Forest. Who is going to use the SANG and how are they going to get there without driving? This will put even more traffic onto a 1 way listed bridge, that it can currently take at least 20 minutes to cross. Who benefits apart from the developers?</p> <p>I object on the following grounds:</p> <ol style="list-style-type: none"> <li>1. The car park is too big and in the wrong location. First shouldn't people walk and/or cycle rather than use cars? But since there are no footpaths up Potten End Hill or Nettleden Road, and no cycle lanes, or any public transport options then there is no choice but to drive. Having the car park entrance virtually opposite Willows Lane is dangerous, since the visibility is very restricted and the speed limit on the road is 60mph. Therefore, cars will pull out into fast moving traffic from both sides of the road. Additionally, locating a car park next to the river Gade, a rare chalk stream, is ecologically unsound.</li> <li>2. The site will likely be used by commercial dog-walkers. They already cause a nuisance in the local area by scaring cattle. Having dogs run wild will have a negative impact on the ground-breeding birds and will cause their total destruction.</li> <li>3. Finally, how will the site/car park be secured at night to stop fly-tipping, drug-dealing and other undesirable activity? Especially as other car parks around Whipsnade have been shut already due to undesirable night-time in-car activity?</li> </ol>
<p>Pipers Cottage Nettleden Road Nettleden Hemel Hempstead Hertfordshire HP1 3DQ</p>	<p>We have lived in Nettleden for 25 years and are concerned about the use of local farmland in a green belt to satisfy the need for recreation facilities relating to a major housing development elsewhere. Fundamentally residents need and want recreation facilities as part of the their own neighbourhood which they can access on foot not by car or public transport.</p> <p>I support the position adopted by Nettleden &amp; Potten End Parish Council in their consultation response to the planning application.</p> <p>Otherwise I would mention the flooding that the part of Nettleden Road adjacent to the site experiences as soon as there is any rainfall. At these times it is unsafe to travel along the road to access Nettleden village. It is important that no development is undertaken to make this position worse particularly as the Nettleden Road is increasingly used to bypass the increasingly busy Leighton Buzzard Road in order to avoid the Water End Bridge.</p>

<p>Cedar Heights  Browns Spring  Potten End  Berkhamsted  Hertfordshire  HP4 2SQ</p>	<p>12 July 2024  Dear Sirs  Re: Letter of Objection to Planning Application Reference 24/01239/MFA Proposed by Taylor Wimpey - "Change of use from agricultural land to Suitable Alternative Natural Green Space (SANG), together with a vehicular access, car park, paths, fencing and landscaping"  This letter is to voice my objection to the above referenced application on numerous grounds.  It is wholly inappropriate for Taylor Wimpey (T.W.) to make this application on the proposed land for the following reasons -  Location  The proposed site, in part, is already used and enjoyed by walkers.    To make the changes proposed will dramatically alter the existing appearance, increase the number of hedgerows and an enormous amount of fencing to enclose the area as stated in their Design &amp; Access Statement May 2024 section 5.2.    This location is not served by any means of public transport nor, as openly stated in the Design Access Statement, is not sited close to housing. The car park entrance is proposed via Potten End Hill road which is a non-paved road with minimal street lighting, therefore visitors will only be able to easily access the site by use of car or bicycle.    The statement further mentions that the SANG lies in "very close proximity to Potten End" and links with "existing rights of way" thereby providing direct access to the existing community.  T.W. are correct, as a resident of Potten End I already enjoy these access rights, why therefore do I need more ?  Section 1.5 titled "The Vision" further states "provide attractive natural green space and walking opportunities" - these already exist, "offering an alternative destination for informal recreation in the countryside for new residents" - the new residents in question are a 6.5 km drive away (measured using Goggle Maps UK).    Road Safety  T.W. statement describes Potten End Hill road as "a two-way single carriageway rural road and it is flanked by trees and green verges to either side of it, with very narrow to no footway provision along its extent".  The access to the car park will be from Potten End Hill road. This is only 300m distance to the junction with Leighton Buzzard Road which in turn is only 350m distance to the narrow single vehicle access bridge over the River Gade.  These 2 junctions already have severe congestion at certain times of the day and by permitting a car park entrance so close will exacerbate traffic congestion considerably.    T.W. state that 50 car parking spaces will be provided. If this number proves to be insufficient drivers will be forced to park on Potten End Hill road which, as already described by T.W, is a two-way single carriageway rural road. Should this be permitted then very dangerous situations will be created.</p>
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	<p>"The car park and access track will be surfaced with DoFT Type 1, with granite dust", T.W make no statement as to how this surface will be managed and what provisions are made to stop this loose material travelling onto the existing road surface. Vehicle tyres will cause this material to move which in turn will create hazards on the existing road surface such as slippery surfaces when wet, stones on the road etc.</p> <p>The consistency of Type 1 is a loose material. Vehicle tyres will churn this material quickly causing potholes that will inevitably fill with water. This will result in a lesser number of usable parking positions and will force drivers to seek alternative parking slots such as Potten End Hill road.</p> <p><b>Safety</b> T.W. make no mention as to how the area will be managed to prevent the paths being used as a cycle race track. This could lead to considerable safety risks to walkers.</p> <p>T.W. state that dogs can roam freely and safely. The provision of a car park will encourage commercial dog walkers to park vans full of dogs and be allowed to run freely. Ashridge Estate already recognise this as a problem and have taken steps to mitigate these risks, T.W. make no reference to this.</p> <p>The statement says that perimeter areas will be enclosed with a mixture of fences and hedgerows. The planting of hedgerows will take a number of years to establish and form a close impenetrable screen, what will prevent dogs accessing protected areas such as the water meadows, farmland, livestock, existing wildlife such as hares and ground nesting birds. Additionally, there appear to be minimal preventative measures to stop dogs accessing the surrounding roads.</p> <p><b>Objection Summary</b> Location - This is an inappropriate site for change of use from current agricultural to SANG. Its location and distance from the housing development will not directly and easily benefit the new residents. There are numerous existing areas more easily accessible to the new housing development that are already recreational and wildlife areas.</p> <p><b>Safety &amp; Road Safety</b> - Increased traffic using Potten End Hill road will result in much greater congestion and traffic delays. Insufficient / unusable parking places will result in drivers seeking alternative parking options, this will cause greater risk and hazards.</p> <p>The above are my objections to this application, I would therefore ask that this application is rejected. xxxxx</p>
<p>The White House Potten End Hill Water End Hemel Hempstead</p>	<p>My main objection to the application is linked to the proposed Car Park, and specifically the location. I'd suggest there is a much better option for the car park. This would be at the "top" end of the SANG site, in the area of Bingham's Park, specifically the area used by a</p>

<p>Hertfordshire HP1 3BN</p>	<p>local youth football team. At this location there is already access from Potten End Hill. There is a small area of land used as a youth football pitch, with enough land to also support car parking. There is already car's parked on this site for matches, often with cars also parked on the verge of Potten End Hill during games.</p> <p>Any new car park created here would serve the proposed SANG, better support local sport and recreation and also perhaps provide a dual use for the car park, hence further mitigating the environmental impact of the car park development.</p>
<p>Fairview House Potten End Hill Water End Hemel Hempstead Hertfordshire HP1 3BN</p>	<p>Key concerns are as follows :</p> <p>Fundamentally oversized and will likely be used to satisfy further developments Sang requirements</p> <p>2 Increased traffic through village in construction and permanent phases</p> <p>3 location of new boundaries provides increased security concerns for adjacent properties- I would suggest this affects everyone in Holybush Close</p> <p>4 Application fundamentally lacks detail to understand the potential further impact to views , boundary treatments , biodiversity and archeological interests</p>
<p>Church Side Nettleden Road Nettleden Hemel Hempstead Hertfordshire HP1 3DQ</p>	<p>We are vehemently opposed to this proposed development and blot on the landscape. This is an area of outstanding natural beauty, already enjoyed by walkers on both sides of the Ladies Mile or Nettleden Road. A proposed car park will increase traffic and noise in this already congested area and spoil the natural beauty of unspoilt fields in both directions. We cannot see why this is necessary or thought of as a good idea by anyone appreciating the beauty of this area. Nettleden Road is already somewhat of a racetrack and this will only get worse. Please reconsider this absurd proposal, not supported by anyone in this area.</p>
<p>Dunromin Browns Spring Potten End Berkhamsted Hertfordshire HP4 2SQ</p>	<p>I have strong concerns over this proposed application. The proposed car park is on a busy narrow road without a footpath, consideration should be given to safe access for pedestrians and traffic.</p> <p>The site is close to a chalk stream and the fields currently support wildlife such a ground-nesting birds, eg skylarks which are protected in the UK under the Wildlife &amp; Countryside Act 1981. The site is home to water voles, deer and badgers where there are established setts. The proposal is actively encouraging off-lead, free-running dogs. The two don't mix.</p> <p>There is scant mention management of the site. For example of a "managed site" Dunstable Downs is a staffed, managed site. It has free-roaming dogs, active sports, family gatherings/picnics etc. Even they have had to close one car park due to inappropriate behaviour and their main car park is locked at night. Litter on this is left strewn widely across the landscape. Dog waste is left on the grass, dog waste bins are overflowing and increasingly common their waste is hung in plastic bags on trees and bushes. How will this proposed site be protected if it is designed to attract large numbers of people and</p>

	<p>their dogs? Clearly even with a "managed site" there are problems.</p> <p>The proposed site can be changed after 80 years. What is to stop it becoming a housing development, concreted over. It is being planned at the moment to mitigate new housing development. Where will they go next?</p>
<p>Withies Leighton Buzzard Road</p> <p>Water End Hemel Hempstead Hertfordshire HP1 3BD</p>	<p>I object to this application on the following grounds:</p> <p>1 The parking location is inappropriate. The parking is the most environmentally damaging part of the proposed development, and it has been located next to the most environmentally sensitive part of the landscape. The likelihood of environmental damage to the Gade River valley is high. The parking MUST be moved as far from the river as possible.</p> <p>2 The application attempts to justify the location of the parking on the grounds of locating it in "least visually sensitive part of the site". No evidence is provided to support this assertion. The application also references the views from Gaddesden Place - again with no evidence to support this. Photos taken from Gaddesden Place (see the submission by the Parish Council) clearly show that this is incorrect. Moving the parking up adjacent to Bingham's Park would be more logical and it would be shielded from the long views by Heizen's Wood.</p> <p>3 A local bird expert has identified a number of protected ground-nesting bird species that nest on the proposed area. These species are protected by an Act of Parliament. They would be wiped out by free-ranging dogs, meaning the developers would be criminally complicit.</p> <p>4 The River Gade is one of 220 rare chalk streams anywhere on the globe. It is astonishing that it is not referenced at all in the application, with no assessment of the impact of the proposed SANG on this rare and environmentally sensitive asset. This application cannot be considered without an assessment of impact on the river, the river valley, and the fauna and the flora associated with the river.</p> <p>5 This proposed SANG is proposed in order to reduce pressure on Ashridge Commons and Woods SSSI. Yet the analysis in the application itself concludes the proposed SANG would have a neutral impact on Ashridge. In other words it would not meet its primary objective. Surely this renders the whole application pointless and without substance.</p> <p>6 There is no new proposed development which logically links to this proposed SANG. All visitors from new developments would have to drive to get there. This increase in traffic is contrary to Dacorum's corporate priority to reduce emissions and reach net zero as soon as possible.</p>
<p>The Moor 3 Water End Moor Water End</p>	<p>Having lived in Water End for just over 50 years I feel I am in a position to raise and an objection to the proposal of Potten End Hill SANG.</p>

<p>Hemel Hempstead Hertfordshire HP1 3BL</p>	<p>This proposal will be extremely detrimental to an already over developed area. More traffic will bring increased pollution and accidents. On occasions it can take several minutes to join Potten End Hill now due to traffic buildup trying to access Leighton Buzzard Road.</p> <p>Extra footfall will be damaging to flora and fauna. An AONB will be permently destroyed, not only the land but also the River Gade. The River Gade is a chalk stream, such streams are globally rare and provide valuable habitat. 85% of the worlds chalk streams are in England and 30% (68) are in the south east. The River Gade must also be protected from this proposal.</p> <p>The SANG proposal is extremely damaging to the local area and must not be approved.</p>
<p>2 Roman Farm Roman Road Nettleden Hemel Hempstead Hertfordshire HP1 3DA</p>	<p>I strongly object to the change of use to SANG. I support and agree with all the comments made by those objecting and would like to add the following.</p> <p>There are many footpaths and bridle ways throughout the area and they are already well used by walkers, cyclists, dog walkers, horse riders and others, all are available to those who wish to use them. I see no need to add anymore infrastructure to this already well used area.</p> <p>I fail to see the logic to adding a SANG to an area that is only a few hundred yards from woodlands, streams and Ashridge forest, all are available for public use, surely it would make more sense to add these SANG facilities to an area that has none?</p> <p>As I said, I agree with all the objections made by others, so have just added some additional comments for your consideration.</p>
<p>Four Oaks Vicarage Gardens Potten End Berkhamsted Hertfordshire HP4 2RL</p>	<p>I support this application, I believe safeguarding the land for a sustain period can only be of benefit to the local area. Arguments relating to the traffic and parking seem weak given the road has been used as a diversion for one reason or another for a long time and it has easily coped, so a few extra cars shouldn't be noticeable or cause for concern.</p>
<p>Woodlands Noake Mill Lane Water End Hemel Hempstead Hertfordshire HP1 3BB</p>	<p>who manages the antisocial behaviour, drugs, drinking, racing cars and motorbikes, travellers accessing the site, rubbish and the rise in crime. There is already an issue in this area with commercial dog walkers who are happy to pick the dog mess up tie it in a bag and then leave the bags for local residents to dispose of. As this is an alternative to the Ashridge Estate and as people will still need to drive (impact on climate) why would they choose this space over an already well established site at Ashridge which offers a cafe, National trust shop and an around bigger, more interesting attractive space and what about the impact this will have on the local wildlife and vegetation along with the chalk stream.</p>

<p>Stable Barn Pipers Hill Great Gaddesden Hemel Hempstead Hertfordshire HP1 3BY</p>	<p>Inappropriate development for housing some distance away that can only be accessed by car. It won't be used by residents of the Pouchen End development as once in their car they will drive to Ashridge. The ground breeding birds will be destroyed by dogs allowed to run free. It will be mainly used by professional dog walkers. It will lead to further erosion of the adjoining Gade River chalk stream.</p> <p>Proposed siting of car park is simply dangerous. Only accessible by car no adjoining footpaths from Potten End or Nettleden. Destroys the current character of the valley.</p>
<p>Hurnreed House Leighton Buzzard Road</p> <p>Water End Hemel Hempstead Hertfordshire HP1 3BH</p>	<p>I am concerned to see that on the application 'no environmental assessment' is stated. This development poses high risk to local ecology; the area is a breeding ground for ground breeding birds. Also dog poo and plastic poo bags will be left; who will clear this? I believe people will cross the Nettleden Road into the Water meadows running towards Great Gaddesden. This area has been dominated by professional dog walkers , often with 6 dogs all off-lead and running rampant in the fields and in and out of the chalk stream.</p> <p>Why does DBC large display signs when driving into Hemel 'walk or cycle' don't drive - surely this proposal is nonsense; dog WALKERS to DRIVE their animals to Potten End? The area has few footpaths in and road verges are rough, will people drive, park and then explore further afield, and danger to themselves and others. The area has many rabbits and hares, dogs love to chase them, this could result in a dog 'bolting' and deviating from the designated area, this happened to a friend on mine, her dog bolted and was killed on the Water End Road, the driver was unhurt but very shaken. Please reconsider this inappropriate development.</p>
<p>Farm Cottage St Margarets Great Gaddesden Hemel Hempstead Hertfordshire HP1 3BZ</p>	<p>Protecting ecological sites A SANG has been defined as "recreational sites, created to attract residents of new developments away from designated sites that are protected for their valuable ecology and are sensitive to recreational activities such as dog walking." (Ref Planning Policy - Royal Borough of Windsor and Maidenhead. Available at <a href="https://www.rbwm.gov.uk/home/planning/planning-policy/non-development-plan/biodiversity-and-thames-basin-heath-spa/what-sang#:~:text=A%20Suitable%20Alternative%20Natural%20Greenspace,activities%20such%20as%20dog%20walking.">https://www.rbwm.gov.uk/home/planning/planning-policy/non-development-plan/biodiversity-and-thames-basin-heath-spa/what-sang#:~:text=A%20Suitable%20Alternative%20Natural%20Greenspace,activities%20such%20as%20dog%20walking.</a>)</p> <p>Whilst the area surrounding the proposed Potten End SANG is not protected, it is home to valuable ecology, notably rare ground breeding birds including Corn buntings an sky larks and the river Gade. The Gade is a chalk stream, these types of rivers are globally rare, with less than 200 in existence, over 85% of which exist in England. (Reference: <a href="https://www.wildtrout.org/content/chalkstreams">https://www.wildtrout.org/content/chalkstreams</a>)</p> <p>There is a legitimate concern that increased public access to the SANG will drive dogwalkers towards the Upper Gade which is right next to the proposed site. Recent river water quality testing carried at Great Gaddesden during the Great Uk Water Biltz in June 2024 noted high levels of water pollution in this location. (Reference: <a href="https://freshwaterwatch.org/pages/great-uk-waterblitz-results">https://freshwaterwatch.org/pages/great-uk-waterblitz-results</a> )</p>

	<p>Presence of dog walkers near the river may lead to additional pollution, for example via the pesticides many dogs are frequently treated with to avoid fleas.</p> <p>Protecting ground breeding birds: The concept of SANG was developed in 2009 to protect ground breeding birds in the Thames Basin Heath Special Protection Area. (Reference: <a href="https://csaenvironmental.co.uk/2024/03/27/sang-a-success-story/">https://csaenvironmental.co.uk/2024/03/27/sang-a-success-story/</a> ) It followed research which identified a link between dog walking and reduced breeding success of rare bird species. The introduction of SANGs in the Thames Basin Heath have successfully alleviated pressure on the targeted rare birds in the special protected area leading to increased populations. Subsequently the SANG concept has been rolled out across numerous areas lowland heathland protected areas in southern England. (Reference: <a href="https://csaenvironmental.co.uk/2024/03/27/sang-a-success-story/">https://csaenvironmental.co.uk/2024/03/27/sang-a-success-story/</a> )</p> <p>The proposed Potten End SANG site is home to several species of ground breeding birds, notably corn buntings and sky larks. These birds are also found in adjacent habitats. Given that a key criteria of a SANG is to allow dogs off leads it seems likely that the proposed SANG will negatively impact ground breeding birds in the area, ironically driving the same type of biodiversity damage it was designed to protect.</p> <p>Currently little is known about the ecological diversity of the Upper Gade and its surrounding areas. Although it is hoped that the location of the SANG could be moved to a more suitable site, at a minimum, significant measures are needed to help avoid detrimental impacts on the ecologically sensitive area of the Upper Gade.</p> <p>These include:</p> <ul style="list-style-type: none"> <li>-Regular monitoring of biodiversity in and around the Upper Gade</li> <li>-Mitigation measures to deter dog walkers from using the footpaths around the Upper Gade, for example signage explaining the importance of keeping dogs on leads.</li> </ul> <p>A core criteria of any SANG is convenient and accessible car parking. If there are accessibility issues, this will decrease the use of the site thus undermining the need to encourage the public away from Ashridge. The proposed location of the carpark is at odds with this. It lies directly along the Leighton Buzzard road, and just a few hundred meters from Water End Bridge which is a single lane bridge. This stretch of road has increasingly severe traffic problems, due to the volume of traffic along the Leighton Buzzard road. Locating a car park here will subject SANG users to high levels of traffic. This will increase the time it takes them to access the site and significantly reduce the chance it will be used. A better approach would be to locate the car park up Potten End Hill, closer to Potten End as this will offer users an alternative route should there be traffic on the Leighton Buzzard road</p>
<p>4 Park View Gadebridge Lane Hemel Hempstead Hertfordshire</p>	<p>We are fully in support of this application for a 'Suitable Alternative Natural Green Space' on the land near to Nettleden Road in Potten End. Taking land away from industrialised modern farming with all of its dangerous pesticides and fertilisers and converting it to an area of</p>

HP1 3JG	<p>wildlife and conservation seems a very sensible idea and should be supported by everyone with an environmentally Green eye to the future. Even more so since Brexit and the dropping of the EU protections and regulations here in the UK.</p> <p>I appreciate that there will be some NIMBY complainants but we believe this is by far a 'win win' situation for the environment, the local community and wildlife. With the new Government stating it will build millions of new homes over the next 5 years on all categories of land means we do need such schemes to protect areas within our countryside. I understand that there will be new tree planting projects and the introduction of wild flower meadows which will greatly enrich the health and wellbeing of us all and the whole area. It will ensure this area is properly managed and protected from any further development within all of our life times. What is there not to support?</p> <p>The current sad state of the River Gade, or trickle as we call it, with its dirty polluted water and eroded banks will no doubt also benefit from this and proper management. This is long overdue both here and in all of our waterways which seem to have been neglected and polluted by the water companies and industrial farming for years without protection.</p> <p>We do think a small car park for visitors to the site is sensible and is also a benefit. Our understanding is that it will only be for a maximum of 50 vehicles, far fewer than the National Trust property at Ashridge. I am sure fewer vehicles than that will ever use it regularly and I assume that it will be closed in the evenings and nights. I remember going regularly to the Strawberry Farm there a few years ago with my family and during the summer there were far more vehicles entering and leaving their car park than is anticipated with this proposal. I don't recall that having any impact whatsoever on the flow of traffic along the Leighton Buzzard Road. A very sensible and environmentally sound proposal for the whole area which we 100% support.</p>
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**ITEM NUMBER: 5b**

<b>24/01740/MFA</b>	<b>The demolition of existing structures and redevelopment for E(g)(iii) Industrial Processes, B2 General Industrial and B8 Storage and Distribution Uses (applied flexibly) with hard and soft landscaping, servicing and associated works.</b>	
<b>Site Address:</b>	<b>Hemel One, Boundary Way, Hemel Hempstead, Hertfordshire, HP2 7YU</b>	
<b>Applicant/Agent:</b>	<b>C/O Agent</b>	<b>Mr Edward Jones</b>
<b>Case Officer:</b>	<b>Kirsty Shirley</b>	
<b>Parish/Ward:</b>	<b>Hemel Hempstead (No Parish)</b>	<b>Adeyfield East</b>
<b>Referral to Committee:</b>	<b>Large scale major application subject to a proposed Section 106 agreement as defined in the Council's constitution</b>	

**1. RECOMMENDATION**

- 1.1. That planning permission is **DELEGATED** with a **VIEW TO APPROVAL** subject to **completion of a S106 Planning Agreement** to secure Biodiversity Net Gain and appropriate contributions for a Travel Plan and Maylands Urban Realm Infrastructure and to satisfactorily overcoming the objections of the LLFA.

**2. SUMMARY**

- 2.1 The proposed development would be suitable within this location and in accordance with Core Strategy Polices CS1, CS4, CS14, CS15, CS34, Saved Policy 125 of the Local Plan and the Maylands Masterplan.
- 2.2 The development would be acceptable in terms of its design, massing, height, use of materials and appearance, and would not harmfully detract from the character and appearance of the area in accordance with Core Strategy Policies CS11 and CS12.
- 2.3 The development would not result in adverse harm to the local highway network and would provide an acceptable under provision of on-site car parking at this site due to an evidenced Travel Survey alongside the sustainable location of the site.

**3. SITE DESCRIPTION**

- 3.1 Hemel One comprises a four storey office building of approximately 25,500 sqft and provides a range of high quality air conditioned office suites between 1,500 and 11,685 sqft in size. A café/restaurant facility is located within the building and the site has an associated 157 space surface level car park to the north, east and west.
- 3.2 The site is predominantly hard standing in nature however the building footprint represents a modest site coverage. There are pockets of landscaping to the south and west of the building with a landscaping buffer along Boundary Way and the south of the Site. A number of individual trees are located throughout the car parking area including in land subject to a Tree Preservation Order TPO, however these are disconnected from the wider green infrastructure network.
- 3.3 The existing office is sited within the 'inner' Consultation zone for the Buncefield Oil Depot and an office proposal of the size that exists in this location is contrary to HSE guidance. While other offices relocated following the Buncefield explosion, Hemel One remained.

## **4. PROPOSAL**

- 4.1 The proposed development is for the demolition of existing structures and redevelopment for E(g)(iii) Industrial Processes, B2 General Industrial and B8 Storage and Distribution Uses (applied flexibly) with hard and soft landscaping, servicing and associated works.
- 4.2 The developments consists of redeveloping the site for mixed use employment including E(g)(iii) light industrial, B2 manufacturing and B8 storage and distribution.
- 4.3 The proposal would erect a single commercial unit with a total floorspace of approximately 8,966sqm Gross External Area (GEA) to the west of the site, with a service yard for 10 HGV loading bays to the east of the site and car parking to the south of the site.
- 4.4 The design and layout of the building has been influenced by the Health and Safety Executive Guidance regarding the Buncefield Oil Terminal, due to consultation zones restricting certain forms of development.
- 4.5 The application site is accessed via Boundary Way and the development would utilise the existing bellmouth access. The development does not include any new or altered vehicle highway access nor any specific highway works.

## **5. PLANNING HISTORY**

### Relevant Planning Applications

4/03597/15/DRC - Details as required by condition 17 (approved plans) attached to planning permission 4/02047/14/MFA (construction of a two-storey private healthcare clinic, providing daycare facilities (consult/exam rooms, treatment rooms, imaging and dental treatment) a  
*WDN - 17th December 2015*

4/01359/12/DRC - Details of a green travel plan as required by condition 3 of planning permission 4/02017/10 (reconfiguration of surface car parking area with associated cycle parking and landscaping)  
*GRA - 25th September 2012*

4/02241/11/DRC - Details of hard and soft landscaping works as required by condition 2 of planning permission 4/02017/10/mfa (reconfiguration of surface car parking area with associated cycle parking and landscaping)  
*GRA - 15th February 2012*

4/01887/11/VOT - Construction of two office (b1) buildings and three storage and distribution (b8) buildings and associated parking - variation of time limit to planning permission 4/01589/08/moa  
*GRA - 12th January 2012*

4/01797/11/ROC - Variation of condition 4 (flood risk assessment and drainage statement) of planning permission 4/02017/10 (reconfiguration of surface car parking area with associated cycle parking and landscaping)  
*GRA - 25th November 2011*

4/02017/10/MFA - Reconfiguration of surface car parking area with associated cycle parking and landscaping  
*GRA - 31st January 2011*

4/01589/08/MOA - Construction of two office (b1) buildings and three storage and distribution (b8) buildings and associated parking

*GRA - 24th October 2008*

4/02593/06/DRC - Details of site contamination investigations as required by conditions 3 & 4 of planning permission 4/01488/06 (replacement of existing substation unit with enlarged substation following damage from Buncefield explosion)

*GRA - 21st December 2006*

4/01488/06/FUL - Replacement of existing substation unit with enlarged substation following damage from Buncefield explosion

*GRA - 30th August 2006*

4/01272/05/ROC - Office development (renewal)

*GRA - 11th February 2008*

4/00859/99/FUL - Office development

*GRA - 20th September 2000*

4/01386/96/RES - Sub details pursuant to conds. 1 & 2 of p/p 4/0259/96 erection of 9,285 sqm of b1 (business) use and 372 car parking spaces

*GRA - 19th December 1996*

4/00450/96/FUL - Extension to office building

*GRA - 9th May 1996*

## **6. CONSTRAINTS**

Area Action Plan Boundary: East Hemel Hempstead AAP

CIL Zone: CIL3

Former Land Use (Risk Zone):

General Employment Area: Maylands, Hemel Hempstead

General Employment Area: Maylands, Hemel Hempstead

HSE Consultation Zone: Haz. Subst. Buffer

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Green (15.2m)

Parking Standards: New Zone 3

EA Source Protection Zone: 3

Town: Hemel Hempstead

Tree Preservation Order: 283, Details of Trees: T2 Oak TPO 458 2007 ALSO ON SITE

Tree Preservation Order: 283, Details of Trees: T1 Oak TPO 458 2007 ALSO ON SITE

Tree Preservation Order: 458, Details of Trees: T1 Oak TPO 283 1996 ALSO ON SITE

Tree Preservation Order: 458, Details of Trees: T2 Ash TPO 283 1996 ALSO ON SITE

Tree Preservation Order: 283, Details of Trees: T4 Oak TPO 458 2007 ALSO ON SITE

Tree Preservation Order: 283, Details of Trees: T5 Field Maple TPO 458 2007 ALSO ON SITE

Tree Preservation Order: 283, Details of Trees: T6 Field Maple TPO 458 2007 ALSO ON SITE

Tree Preservation Order: 283, Details of Trees: T3 Ash TPO 458 2007 ALSO ON SITE

## **7. REPRESENTATIONS**

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

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

*Core Strategy policies:*

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 – Quality of Public Realm  
CS14 - Economic Development  
CS15 - Offices, research, Industry, Storage, Distribution  
CS28 – Carbon Emission Reductions  
CS29 - Sustainable Design and Construction  
CS30 – Sustainability Offsetting  
CS31 - Water Management  
CS32 - Air, Soil and Water Quality  
CS34 – Maylands Business Park  
CS35 - Infrastructure and Developer Contributions

*Local Plan policies:*

Policy 31 – General Employment Areas  
Policy 51 – Development and Transport Impacts  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 100 – Tree and Woodland Planting  
Policy 113 – Exterior Lighting  
Policy 125 – Hazardous Substances  
Policy 129 – Storage and Recycling of Waste on Development Sites

*Supplementary Planning Guidance/Documents:*

Environmental Guidelines  
Parking Standards SPD (Nov 2020)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Place and Movement Planning and Design Guidance (2024)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)  
Water Conservation Energy Efficiency and Conservation  
Planning Obligations (2011)  
HSE Planning Advice

## 9. CONSIDERATIONS

### Main Issues

The main issues to consider are:

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

### Principle of Development

- 9.1 Adopted Core Strategy (2013) policy CS14 sets out sufficient land will be allocated to accommodate economic growth and accommodate approximately 10,000 new jobs between 2006 – 2031, and the Core Strategy also sets out most employment will be located in General Employment areas in accordance with CS1 and CS4
- 9.2 Hemel Hempstead is identified as the main location and focus for economic development through the regeneration of the Maylands Business Park and town centre. The site falls within the Maylands General Employment Area (GEA). The table in Saved Local Plan Policy 31 states that the proposed employment uses in this GEA are business, industry, storage and distribution. 9.4 In 2007, the Council adopted the Maylands Master Plan as a planning policy statement, for use in determining planning applications and reviewing the Local Plan. The application site is within the 'The Service Centre' character area and the guidance for this area includes the following:
- 1. The Service Centre includes three areas; land known as Swallowdale; land south and south west of Buncefield; and land north of Buncefield, which includes land south of Punch Bowl Lane in St. Albans District.*
  - 2. They currently include storage, distribution and warehousing. This use is expected to continue. A strip of land between Boundary Way and Buncefield Lane was an office location affected by the Buncefield explosion: this land may be converted to storage, distribution and warehousing*
  - 3. Other small scale employment uses, such as office and industry, should be limited to Swallowdale in the future. A lorry park, with access to the new relief road, is proposed. The large expanse of roofs in the service centre offer opportunities for renewable energy generation. New buildings can take advantage of decentralised heating systems or CHP.*
- 9.3 Core Strategy Policy CS15 (offices, research, industry, storage and distribution) protects GEAs for B-class use. More detailed guidance on the Maylands Business Park is provided in Core Strategy Policy CS34 and Figures 18 and 22 of the Core Strategy. In particular, Figure 18 states that the Service Centre is expected to continue to offer a mix of storage, distribution and warehousing.
- 9.4 Saved Local Plan Policy 125 advises development proposals adjoining existing hazardous installations or sites where hazardous substances are present will be modified or refused so as to take fully into account the advice given by the Health and Safety Executive.

- 9.5 The proposed development consists of redeveloping the site for mixed use employment including E(g)(iii) light industrial, B2 manufacturing and B8 storage and distribution. The proposed development would erect a single commercial unit with a total floorspace of approximately 8,966sqm Gross External Area (GEA), located in the west portion of the site. This is broken down into 8,140sqm at ground floor, with 825sqm at first floor, consisting of ancillary office floorspace facing out onto Boundary Way (the majority of the office is located within the less restrictive 'Middle' Consultation Zone).
- 9.6 The unit proposed would be up to 12.5m to the underside of the haunch, which would represent an external height of approximately 16.1m.
- 9.7 To the east of the unit would be the service yard and 10 HGV loading bays. An element of the service yard is located within the 'Development Proximity Zone' (DPZ) where the strictest HSE guidelines on occupation applies and so this area would be used for turning and manoeuvring of vehicles accessing the loading bays. The side from the northern loading bay which is partially within the DPZ, the rest of the loading bays would be located outside of the DPZ and within the Inner Consultation Zone.
- 9.8 Following the Buncefield explosion in 2005, the application site location is not considered to be an appropriate office location due to it being within the inner zone of the Buncefield Oil Terminal COMAH Zones. The office has been located within the application site since before the Buncefield Oil Terminal explosion, and under the now established HSE guidance, a newly developed office building of this size and in this location would not be supported by the HSE given the sites key location within the Maylands General Employment area, but locality to Buncefield, a balance between what is acceptable against the HSE Land Use Planning Guidance and the wider needs to be struck. Section 2.5.7 of the Maylands Masterplan supports the long term strategy for this area to become part of the 'Service Centre' where E(g)(iii), B2 and B8 uses are all supported. It is considered that the proposal would align with the aims of the Maylands Masterplan (2007), Core Strategy (2013), Dacorum Local Plan (2004) and National Planning Policy Framework (2023).

#### Buncefield Oil Terminal

- 9.9 The site is a former land use, and therefore subject to potential contamination that may need to be remediated in accordance with Policy CS32 if development takes place.
- 9.10 The proposed development site lies within the consultation distance for the Health and Safety Executive (HSE) due to its proximity to a major hazard site, the Buncefield Terminal. The Buncefield Terminal site is a large-scale petrol storage site.
- 9.11 An explosion at the Buncefield Oil Terminal on the 11th December 2005 caused significant damage to a number of buildings within close proximity to the Hemel One building and resulted in HSE introducing and revising a number of exclusion and consultation zones around the terminal buildings and tanks.
- 9.12 Part of the application site lies within the Development Proximity Zone (DPZ), inner and middle zone of the major hazard site, though the application site is located mostly within the inner and middle consultation zone of the Buncefield Terminal.
- 9.13 When a proposed development lies within more than one consultation zone of a major hazard, according to HSE's LUP methodology, the straddling (or 10%) rule will be applied to determine which zone the whole development should be treated as lying within. In this case, as more than 10% of the warehouse is located within the inner zone, then the proposed development is deemed to be located within the inner zone.

### *Inner Zone*

- 9.14 Within HSE's LUP methodology the warehouse and the offices would be classed as the development type DT1.1 'workplaces'. HSE would not advise against the granting of planning permission as long as each building located within the inner zone provides for less than 100 occupants and has less than 3 occupied storeys.
- 9.15 The proposed warehouse and office would have 3 storeys, with the second floor of the building to be used as a plant room.
- 9.16 Car parking for the development predominantly falls within the inner zone of the Buncefield terminal and HSE does not advise against this type of development located within the inner zone of the consultation zones

### *Development Proximity Zone (DPZ)*

- 9.17 When HSE is consulted on a proposal for a development within the DPZ, it will advise against all uses or activities proposed within the DPZ which do not meet the definition of Not Normally Occupied in the Semi Permanent Circular (SPC). Developments which meet the Not Normally Occupied Criteria include parking areas with no associated facilities, storage facilities and minor transport links.
- 9.18 Within the DPZ of Buncefield Oil Terminal there is a service yard and some car parking. There are no associated facilities for staff located within the DPZ. The service yard and parking area would meet the Not Normally Occupied criteria as there are no associated structures, recreational areas or facilities for HGV drivers within the DPZ area.
- 9.19 HSE have commented that they do not advise against the granting of planning permission for the development. This is on the basis that there are no structures recreational areas or facilities for HGV drivers within the area of the parking area and service yard within the Development Proximity Zone; there would be only two occupied storeys in the warehouse building (the 3rd storey could be a plant room where occasional maintenance would occur); the north-eastern part of the warehouse that falls within the Development Proximity Zone shall be only for storage and shall meet the 'not normally occupied' criteria of no more than 3 workers being present at one time; and the total time for persons to be in the Development Proximity Zone should not exceed 2 hrs in any 24 period. The total time for persons to be in the Development Proximity Zone can be secured by condition.

### *Contamination*

- 9.20 The Council's Environmental Health team have commented that there is a requirement for the applicant to undertake further assessment of the potential for land contamination to impact the proposed development. The details of potential land contamination can be secured by condition to ensure the development does not present an unacceptable risk, or that any unacceptable risk is understood and can be managed to ensure that the proposed development is safe and suitable for its intended use.

### Quality of Design / Impact on Visual Amenity

- 9.21 Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 139 states that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents. Dacorum's Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) state that development within settlements and neighbourhoods should preserve

attractive streetscapes; integrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials.

- 9.22 Policy CS34 is specifically related to the Maylands Business Park and requires new development to contribute to the achievement of use, movement and design principles. Proposals must also support the character zones identified within the Maylands Business Park, as set out in Figure 18 of the Core Strategy and Maylands Masterplan 2007.
- 9.23 Under the Maylands Master Plan 2007, guidance on design, materials, parking, access, landscaping and boundary treatments is set out at Section 2 for sites in the Service Centre. Office provision should be located at the front of the buildings with service yards to the side or rear. Importantly, the section acknowledges the ongoing (at the time of the Masterplans adoption) HSE investigation into the Buncefield Oil Depot and the need to be flexible around this.
- 9.24 The design of the building has been heavily influenced by the Health and Safety Executive Guidance regarding the Buncefield Oil Terminal, due to consultation zones restricting certain forms of development.
- 9.25 The site layout would position the HGV loading bays and servicing at the rear of the site, away from Boundary Way and other sensitive receptors, such as the One Stop Doctors to the south of the site. A parapet roof form would be featured on the proposed building which would respect the parapet roof form noted on the One Stop Doctors to the south of the site.
- 9.26 The western elevation of the building would be in line with the building to the south of the site, One Stop Doctors. The building footprint has also been set to the west of the site to align with HSE guidance and consultation zones. The office element of the building would also be positioned to the west of the site.
- 9.27 The building would be approximately 16.1m in height, which would be three storeys in height. While the current building on the site is four storeys in height with a plant room on the roof, the proposed building would have a significantly larger footprint than the current building on site, as well as considerably larger than the buildings immediately adjacent to the site. It is noted that considerably sized buildings are located within the wider Maylands business park however the scale of the development could impact the Boundary Way street scene.
- 9.28 To mitigate massing of the development, the development has utilised architectural features and a varied material palette to reduce the appearance of bulk and massing, as well as creating a development that responds proactively to the key Boundary Way elevation.
- 9.29 The proposed office is focussed towards the key Boundary Way elevation. The office sits in proximity to this boundary and provides an active frontage on the most prominent corner of the site by the use of fenestration, framing and variety in material palette. The use of full height glazing and framing on the western elevation would highlight the entrance space and create a clear sense of legibility.
- 9.30 During the course of the application it was discussed that developing the framing further would help relate the elevation to the human scale, particularly the incorporation of windows at ground floor level with addition of further verticality in the remainder of the southern elevation. Amended plans were submitted to vary the cladding colour of the horizontal aspect along the length of the feature frame in the western elevation. Using a lighter tone of colours assists in breaking up the massing of the elevation and compliments the light weight band across the top of the building in the western elevation

- 9.31 In the southern elevation, amendments to the feature frame were incorporated by adding an additional frame bay by reception, creating visual interest and further breaking up the sense of massing. The material palette along the southern elevation has also been amended to use vertical grey cladding in contrasting tones to further reduce the appearance of massing.
- 9.32 The parapet height has been stepped down across all elevations to further reduce the appearance of massing.
- 9.33 Amendments to the car parking configuration and introduction of landscaping within the car parking areas were discussed to allow opportunities to break up the hardstanding and introduce more landscaping to create a further welcoming environment. However, amendments to the current car parking layout and format results in conflicts in vehicle tracking, particularly fire tender vehicles, and so landscaping within the car parking area is not possible in this case.
- 9.34 It was also discussed that the positioning of the cycle shelters could create a tight and unwelcoming space between the cycle shelter and building. However the design of the cycle shelters are proposed to be open and include green roofs. The visually permeability of the cycle storage and landscaping enhancement would therefore not result in a tight or unwelcoming space. The landscaping and cycle shelters are discussed in greater detail later in the report.
- 9.35 The simplistic and complimentary range of material tones would respond well to contemporary design principles. Darker tones at the lower parts of the building and lighter tones to the upper parts of the building would reduce the appearance of the buildings mass. A variety of cladding also introduces different tones and textures to the building, adding visual interest. No blank walls would face towards the street and the palette of materials provides a visual cohesion whilst also providing enough contrast to highlight and focus on the key aspects of the scheme. Full details of the proposed materials can be secured by condition in the event of an approval.
- 9.36 The design of the development has been carefully considered to provide visual interest by virtue of architectural detailing and use of a variety of materials, resulting in high quality design. The design of the development would therefore be in accordance with the Maylands Master Plan (2007) Core Strategy Policies CS11, CS12 and CS34 (2013), and chapter 12 of the National Planning Policy Framework (2023).

#### Impact on Amenity of Surrounding Properties

- 9.37 Policy CS12 of the Core Strategy requires that development proposals should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.
- 9.38 There are no residential properties in the immediate vicinity to the application site. Therefore the proposals would not be considered to impact on residential amenities by reason of overbearing appearance or visual impact due the proposed scale and positioning of the development.
- 9.39 The proposed development should avoid noise and vibration nuisance to surrounding properties/premises in accordance with Policies CS12 and CS32 and Paragraph 130 (f) of the Framework. Any development proposals which could cause harm from a significant increase in pollution by virtue of noise will not be permitted.
- 9.40 One Stop Doctors (OSD) located to the south of the application site have objected to the development on the basis of the construction stage impacts, noise and vibration, air quality,

and vehicle movements and access/egress arrangements. It is noted that at present, OSD is a daytime medical practice with no overnight patient facilities.

- 9.41 In regards to the construction stage impacts, OSD states the Outline Construction Management Plan (OCMP) is missing some important details, notably in relation to demolition. However, the OCMP states that a construction management plan will be prepared. A construction management plan would be secured by condition in the event of an approval.
- 9.42 Regarding noise, a noise survey has been submitted with the application, and the Council's Environmental Health team commented with no concerns regarding noise due to the lack of residential impact. However, OSD state their application site is a noise sensitive site due to the medical use of the site and the submitted noise survey does not address noise during construction. OSD advise there are patient recovery and treatment rooms in the OSD building which face towards the application site.
- 9.43 In light of these concerns, a noise addendum has been submitted with the application.
- 9.44 The OSD does not have an overnight patient facility and as a result the premises would not be used for residential purposes and so the assessment methodology of section 1 of the BS4142 Standard would not be appropriate. An assessment under the Department of Health Specialist Services Health Technical Memorandum Acoustics HTM 08-01 would therefore be more appropriate as this provides internal acoustic design criteria for healthcare premises.
- 9.45 Noise levels associated with servicing the proposed unit have been calculated to the worst affected northeast corner of the OSD building to be LAeq,1hr 50dB, and to the northwest corner of the OSD building to be LAeq,1hr 48dB. It is expected that a façade of the OSD building with a basic closed window would provide at least LAeq,T 25dB, with a partially open standard window for ventilation to be approximately 13dB. Noise levels from servicing in this case would be around LAeq,1hr 35dB to 37 dB in the clinical rooms of the OSD, unless the OSD clinical rooms benefit from mechanical ventilation which would not rely on opening windows, then the servicing of the development would be around LAeq,1hr 23dB to 25dB internally.
- 9.46 In either case, the noise levels from servicing in the clinical rooms of the OSD would be below the lowest internal noise design criteria for clinical rooms specified in HTM 08-01. The Council's Environmental Health team have reviewed the addendum and advised they had no further comments to make on the scheme.
- 9.47 While it is acknowledged that the OSD raise concerns regarding the construction of the development, these details will be secured by condition and it should be borne in mind that the resultant construction noise would be temporary in nature.
- 9.48 In terms of Air Quality, the AQA submitted with the application anticipates considerable dust emissions and OSD have raised concerns that this is unspecified and unclear assumptions. Measures to mitigate dust can be secured by a construction management plan condition to ensure that substantial amounts of dust can be mitigated effectively.
- 9.49 OSD have commented with concerns that the proposed access arrangements could increase the risk of vehicular conflict on the access road. Impacts on highway safety have been addressed elsewhere within the report.
- 9.50 Subject to the inclusion of a construction management plan condition, it is considered that the proposed development would not have an unduly adverse impact on adjoining neighbours.

Light pollution

- 9.51 Local Plan Policy 113 states new exterior lighting will be permitted provided there is no significant or material adverse impact upon important features of urban areas.
- 9.52 The lighting scheme proposed covers all external areas surrounding the building façade including external areas to the access roads, walkways, car parking and service yards. The submitted external lighting assessment submitted with the application states all external lighting will be controlled by automatic timeclock arrangement to assist in the control of the lighting during required hours as required.
- 9.53 Details of the variety of lighting proposed is outlined within the external lighting assessment and submitted drawing 24008-MBA-EX-SP-DR-E-0001 rev PL3 demonstrates the location of each type of lighting. The height and orientation of the lighting fixtures has been designed to prevent excessive light spill. The lighting details can be secured by condition to ensure the visual character of the area is safeguarded.

#### Impact on Highway Safety and Parking

- 9.54 Policy CS12 of the Core Strategy requires development to provide a satisfactory means of access for all users and sufficient parking provision. The Parking Standards Supplementary Planning Document (SPD) sets out the standards expected for new development.
- 9.55 Saved Policy 51 of the Dacorum Local Plan states that the acceptability of all development proposals will always be assessed specifically in highway and traffic terms and should have no significant impact upon the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development and the environmental and safety implications of the traffic generated by the development.

#### *Highway Safety and Access*

- 9.56 The application site is accessed via Boundary Way, which is designated as an unclassified local access road, subject to a speed limit of 30mph and is highways maintainable at public expense. Boundary Way is classed as P2/M2 (multi-function road) on Hertfordshire County Council's Place & Movement Network.
- 9.57 There is an existing bellmouth access from Boundary Way, which leads to a shared access to the application site and neighbouring sites. The proposals would utilise this existing access point and do not include any new or altered vehicle highway access nor any specific highway works.
- 9.58 The proposed private access road is to be rearranged as shown on submitted drawing H100-CMP-SI-ZZ-DR-A-00100. The existing island along the private access road is to be removed and replaced by a single arm barrier approximately 20m from the highway on Boundary Way. An acceptable level of vehicle to vehicle visibility would be retained at the access onto Boundary Way.
- 9.59 Appendix D of the Travel Statement submitted with the application includes swept path analysis / tracking plans. These plans illustrate that a 16.5m and 18.5m long HGV would be able to utilise the proposed site access arrangements in addition to using the proposed service yard, turn around on site and egress to Boundary Way and the larger wider network in forward gear. Hertfordshire Highways Authority have commented that these arrangements are considered to be acceptable. A condition securing the access, parking and turning areas has been suggested which can be included in the event of an approval.

### *Car Parking and Sustainable Transport Measures*

- 9.60 With regards to car parking, the site is situated within Zone 3 as defined by the Parking Standards SPD. Based on 8,966sqm for a mixed B1 (now E(g)) B2 and B8, and heavily oriented to B8 use, the SPD standard is 1 car parking space per 75sqm GEA, requiring 119 car parking spaces (rounded down from 119.5). Furthermore, the floorspace for the office component would be approximately 826sqm and would require 1 space per 35 sqm GEA and therefore require 24 car parking spaces (rounded up from 23.6) spaces.
- 9.61 The SPD also requires provision of disabled spaces at the rate of 1 space per disabled employee who is a disabled motorist plus 5% of the total capacity for visitors who might be disabled motorists. Electric vehicle charging (EVC) stations should be provided at the rate of 20% active provision and a further 30% passive provision, and additional spaces for motorcycle parking at the rate of 4% of the total car parking spaces.
- 9.62 The development proposes 76 on-site car parking spaces, 17 spaces of which would benefit from active electric vehicle charging (EVC) spaces and the rest of the car parking spaces would benefit from passive EVC. The amount of active and passive EVC would exceed the minimum requirement outlined in the Council's Parking Standards and can be secured by condition.
- 9.63 Of the parking provided, 5 spaces would be for disabled motorists with 4 motorcycle spaces and 4 car share spaces.
- 9.64 The proposed total amount of car parking would represent a shortfall in car parking from the Council's Parking Standards SPD. However, a Travel Survey has been submitted which demonstrates a forecast of peak car parking demand between 0800-1100hrs of 64 vehicles. The car parking demand is therefore unlikely to exceed the quantum of car parking proposed.
- 9.65 There are existing footways on Boundary Way, which extend into the site and the proposals provide pedestrian access into the site from the highway footway. There are existing pedestrian dropped kerbs and tactile paving on either side of the bellmouth access on Boundary Way.
- 9.66 The nearest bus stops to the site are located on Boundary Way fronting the site, which is well within the normally recommended walking maximum distance of 400m and therefore there is potential for bus services to provide a convenient sustainable travel option. The nearest bus stops are served by ML1 which also provides a link to Hemel Hempstead Railway Station during the morning and evening peak.
- 9.67 Cycle shelters are proposed which would provide 40 covered and secure bicycle parking spaces. The cycle shelters would be located to the southern elevation in proximity to the entranceway for convenience and safety and would be designed to have open elevations and green roofs which would result in visually permeability and landscaping enhancement. The full details of the cycle shelters can be secured by condition.
- 9.68 The proposed parking provision reflects the accessibility of the site by other modes and the fact that the site will be supported by a site specific Travel Plan which will promote sustainable transport. Measures such as the provision of cycle parking and showers would also facilitate active travel. Car sharing spaces and dedicated parking for motorcycling are also proposed. An under provision of car parking in this location is therefore considered acceptable, and the outlined parking can be secured by condition.

### *Travel Plan Obligations*

9.69 A Framework Travel Plan has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). Hertfordshire Highways Authority have commented that the submitted travel plan is considered to be generally acceptable for this stage of the application, however a full Transport Plan will need to be secured via a Section 106 planning obligation. Developer contributions of £6000 (index-linked RPI March 2014) are sought via a Section 106 Agreement towards supporting the implementation, processing and monitoring of a full travel plan including any engagement that may be needed.

### Refuse and Recycling

9.70 The Council's Refuse Storage Guidance Note (2015) states that refuse and recycling collection points should be located so that operatives should have to walk no further than 25m from the truck to the collection point. In addition, the refuse and recycling storage area should be located no more than 25m from the collection point.

9.71 At present, an end occupier is unknown and therefore precise waste requirements are not yet known. However, the site plan drawing submitted with this application demonstrates a refuse area to the south of the site.

9.72 The area can accommodate large bins associated with a development of this type and aid the collection of separated recycling and general waste.

### Lead Local Flood Authority

9.73 While the application site is located within Flood Risk Zone 1, given the scale of development the Lead Local Flood Authority (LLFA) have been consulted for comment.

9.74 The LLFA have objected to the development on the basis of the absence of an acceptable Flood Risk Assessment and Drainage Strategy relating to the impacts of flooding on the development; the proposed sustainable urban drainage scheme likely to increase the risk of flooding elsewhere; and the development failing to comply with the NPPF, PPG or local policies due to lack of design information to sufficiently address increase of flood risk elsewhere.

9.75 The applicant has prepared further information as outlined in the LLFA's response to address the LLFA's concerns.

9.76 The LLFA have been reconsulted for their view following the submission of the additional information but have not yet provided a response at the time of writing this report. A verbal update will be provided during the committee meeting.

### Sustainable Design and Construction

9.77 All new development should be consistent with the principles of sustainable design as set out in Policies CS29, CS30 and CS31 of the Core Strategy and saved Policy 129 of the saved local plan, together with Supplementary Planning Documents for Energy Efficiency and Conservation, and Water Conservation. Policy CS29 is particularly relevant together with the Sustainable Development Checklist and advice note.

9.78 An energy and sustainability strategy has been submitted with this application, outlining key measures to meet the applicants' ambitions to minimise CO<sup>2</sup> emissions, maximise the energy

efficiency performance of the building fabric, achieve an EPC rating of A+ and a BREEAM rating of 'Excellent'. The submitted design and access statement states several sustainable features are proposed such as solar panels, water efficient sanitary ware, and energy efficient lighting, heating and cooling systems.

9.79 Full details of proposed sustainability measures can be secured by condition.

#### Biodiversity Net Gain and Landscaping

9.80 Policy CS26 states that development and management action will contribute towards the conservation and restoration of habitats and species; the strengthening of biodiversity corridors; the creation of better public access and links through green space; and a greater range of uses in urban green spaces. Policy CS29 seeks to ensure that development minimises impacts on biodiversity and incorporates positive measures to support wildlife.

9.81 Paragraph 180 (a) of the NPPF advocates a hierarchical approach to biodiversity mitigation – the principle that on-site biodiversity loss should be avoided, mitigated and, as a last resort, compensated.

9.82 An Ecological Appraisal (July 2024) and a Habitat Survey and Biodiversity Net Gain Assessment (July 2024) have been submitted to take account of the requirements for biodiversity net gain.

9.83 On the basis of the proposed landscape scheme, incorporating the proposed habitat creation and associated assumptions, the metric indicates a calculated net gain of 0.80 habitat units (representing a net increase of 14.84%) within the site. A percentage figure is not given for the net gain achieved with hedgerow planting on site as there are zero baseline units from which to calculate a % loss/gain. However, proposed hedgerow planting (0.06km of native species-rich hedgerow) has ensured that whilst unquantified in percentage terms, a significant gain in linear habitats gain will be delivered.

9.84 The scheme includes the planting of 0.327ha of other neutral grassland, predominantly within the south eastern portion of the Public Open Space, and forms an enhanced wildlife corridor with the wider landscape to the east. The largest gains within the Biodiversity Metric are from the establishment of these proposed areas of other neutral grassland (delivering 1.65 biodiversity units) and proposed urban tree planting – 100 standard individual specimens (delivering 0.24 biodiversity units).

9.85 On the basis of the assumptions set out, the metric identifies that a calculated biodiversity net gain substantially in excess of 10% can be achieved in habitat units under the proposals.

9.86 Furthermore, additional biodiversity benefits can be provided by faunal enhancements, for example through the provision of new bat and bird boxes. Such faunal enhancements are not quantified under the Metric as this deals with habitats alone and does not address faunal benefits. The ecological report submitted with the application recommends reasonable enhancements for bats, birds and invertebrates. These should be shown on a Species Enhancement Plan which will be secured by condition in the event of an approval.

9.87 Hertfordshire Ecology have commented on the application that the application can be determined with the relevant conditions and informatives included.

9.88 Whilst the biodiversity gain condition is a post determination matter, the present information and habitat opportunity within the outline landscaping plan allows the Council reasonable confidence that the general Biodiversity Condition will be discharged. The Biodiversity Net

Gain Plan should be prepared in accordance with the approved metric and this will be secured by condition.

- 9.89 In terms of landscaping, the location of soft landscaping has been demonstrated within the site in the form of trees, shrub and grassland planting to the east, south and west of the site.
- 9.90 The Council’s Trees and Woodlands team have commented that while the number of trees intended to be removed from the site is high, a very high proportion of these trees are young, of low quality and positioned within a car park setting. Trees in this environment rarely thrive in this harsh planting environment and the trees are all of low amenity value.
- 9.91 The removal of tree T81 is of moderate quality though its location is problematic for future use and so its removal is not contested. While trees T90-92 are of low quality, their retention is welcomed as their presence will soften the appearance of the car park.
- 9.92 The existing strip of land containing TPO trees would be unaffected by the proposals.
- 9.93 Retained trees will require protecting during the course of the development and a Tree Protection Plan can be secured by condition.
- 9.94 It is important to plant the right species of tree in the right place to ensure that future growth is accommodated within the proposed development layout, and to avoid potential conflict between trees and structures or parked cars. Species information alongside planting locations, planting sizes and maintenance regimes has not been submitted with this application, however this information can be secured by condition.

Maylands Urban Realm Infrastructure

- 9.95 A Maylands Urban Realm Improvement (MURI) contribution is requested for all applications which are within Maylands Business Park. The purpose of the MURI contribution is to improve the public realm in the area to help people working in, living in and visiting the area to access and move more easily within the area by walking and cycling. The improvement specification also aims to improve the visual appeal of the area to make it an attractive business park.
- 9.96 The applicant has agreed in principle to a MURI contribution, however, confirmation of the contribution sought is to be confirmed. An update will be provided at the meeting.

Planning Obligations

- 9.97 The requirement for new development to provide contributions towards the provision of on-site, local and strategic infrastructure required to support the development is set by Core Strategy Policy CS35 – Infrastructure and Developer Contributions.
- 9.98 As discussed within the report, the following obligations would be captured via a Section 106 Agreement if the application is approved.

<b>Matter</b>	<b>Contribution</b>	<b>Comments and Triggers</b>
Travel Plan	£6,000 Travel Plan Contribution	Financial contribution towards the cost of implementation, processing and monitoring of the Travel Plan for five years.

		Trigger: prior to occupation/first use of the development.
Maylands Urban Realm Improvements (MURI)	TBC wayfinding/signage improvements	Financial contribution to address cumulative impacts of development for active and sustainable transport networks.  Trigger: prior to occupation/first use of the development.
Biodiversity Net Gain	14.84% increase in habitat units  Increase in hedgerow units (percentage not applicable due to 0 baseline units)	Requirement for a Biodiversity Management Plan to capture habitat retention, restoration, enhancement and/or creation.  Trigger: prior to commencement and to be managed for 30 years.

## 10 CONCLUSION

- 10.1 The development would replace the existing office that is sited within the 'inner' Consultation zone for the Buncefield Oil Terminal. An office proposal of the size that exists in this location is now contrary to HSE guidance following the Buncefield Oil Terminal explosion.
- 10.2 The proposed development would be within key location of the Maylands General Employment area, and the proposal would align with the aims of the Maylands Masterplan.
- 10.3 The development would bring a high quality scheme to the area without causing harm to the appearance of the area, the amenities of adjoining occupiers or adverse impacts to the safety and operation of the highway.
- 10.4 The development is therefore considered to be in accordance with the aforementioned local and national planning policies

## 11 RECOMMENDATION

- 11.1 That planning permission is **DELEGATED** with a **VIEW TO APPROVAL** subject to the completion of a legal agreement to secure Biodiversity Net Gain and appropriate contributions for the Travel Plan and Maylands Urban Realm Infrastructure and subject to satisfactorily addressing the LLFA objection.

### 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 granted by this notice must not begin unless a Biodiversity Gain Plan has been submitted to and approved in writing by the planning authority. The development shall thereafter be carried out in accordance with the approved Plan. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.**

Reason: To ensure that the development provides biodiversity net gain in accordance with Policy CS26 of the Dacorum Borough Core Strategy (2013) and Paragraph 180 of the National Planning Policy Framework (2023). These details are required prior to commencement to ensure that the ecological and biodiversity enhancements can be achieved before construction works begin.

- 3. Prior to the commencement of development hereby approved, a Species Enhancement Plan for bats, birds and invertebrates shall be submitted to and approved in writing by the LPA. This should show the location, number and type of enhancement and how their biodiversity value will be sustained over time. The Species Enhancement Plan should also be informed by the lighting strategy and the ecological report by the Ecological appraisal By Aspect Ecology July 2024. All approved features shall be installed prior to first occupation of the dwelling and be maintained and retained thereafter.**

**Following completion of the dwelling and prior to their first occupation, a report from an appropriately qualified ecologist confirming that all the proposed features have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the LPA.**

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).

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

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

- 5. A) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
  - i. A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
  - ii. The results from the application of an appropriate risk assessment methodology.****

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

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

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

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

**6. Any contamination, other than that reported by virtue of Condition 5 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

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

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

- a) Construction vehicle numbers, type;**
- 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) Timing of construction activities (including delivery times and removal of waste)**
- g) Measures to mitigate dust**

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).

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

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

- 9. 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. 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 159 and 162 of the National Planning Policy Framework (December 2023).

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

- 11. Prior to the first use of the development hereby permitted the proposed access, parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.**

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

- 12. Within one month of substantially completing the development, active Electric Vehicle Charging Points and associated infrastructure shall be provided for 17 car parking spaces shown in approved drawing H100-CMP-SI-ZZ-DR-A-00100 and shall be permanently retained thereafter.**

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

- 13. Within one month of substantially completing the development, passive Electric Vehicle Charging provision shall be constructed / installed as part of the development on all other car parking spaces that do not have active Electric Vehicle Charging provision. The passive Electric Vehicle Charging provision shall remain permanently retained thereafter.**

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

- 14. Full details for the provision of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first occupation of the relevant part of the development to which they relate and retained thereafter.**

Reason: To provide for alternative modes of transport, having regard to Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraph 110 (d) of the National Planning Policy Framework (December 2023).

- 15. The total time for persons to be in the Development Proximity Zone should not exceed 2 hours in any 24 hour period.**

Reason: In the interests of safety from hazards and risks due to the possible presence of hazardous substances that require hazardous substances planning consent.

- 16. The external lighting details shall be carried out in accordance with the submitted details within the External Lighting Assessment report (July 2024) and shown on approved drawing 24008-MBA-EX-SP-DR-E-0001 rev PL3 within one month of substantially completing the development.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Local Plan Policy 113 (2004) and Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013)

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

24008-MBA-EX-SP-DE-E-0001 rev PL3  
H100-CMP-SI-ZZ-DR-A-00030 rev PL1  
40168-BGL-XX-XX-DR-C-00210 rev P03  
H100-CMP-U1-00-DR-A-00100 rev PL1  
H100-CMP-U1-00-DR-A-00120 rev PL1  
H100-CMP-U1-01-DR-A-00101 rev PL1  
H100-CMP-U1-02-DR-A-00102 rev PL1  
H100-CMP-U1-02-DR-A-00122 rev PL1  
H100-CMP-SI-ZZ-DR-A-00100 rev PL1  
H100-CMP-U1-RL-DR-A-00103 rev PL1  
H100-CMP-SI-ZZ-DR-A-00250 rev PL1  
H100-CMP-U1-ZZ-DR-A-00250 rev PL1  
H100-CMP-SI-ZZ-DR-A-00101 rev PL1  
H100-CMP-U1-ZZ-DR-A-00200 rev PL2  
H100-CMP-U1-ZZ-DR-A-00201 rev PL2

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

## INFORMATIVES

1. Article 35  
Planning permission has been granted for this proposal. Advice given to the applicant at the pre-application stage has been followed. The Council has therefore acted pro-actively

in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015

2. Working Hours Informative

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

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

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

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

3. Construction Dust Informative

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

4. Waste Management Informative

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

5. Invasive and Injurious Weeds Informative

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

6. Protected Species

If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any

trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.

7. Contamination

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

In the event that ground contamination is encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed because, the safe development and secure occupancy of the site lies with the developer.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Hertfordshire Ecology	<p>The demolition of existing structures and redevelopment for E(g)(iii) Industrial Processes, B2 General Industrial and B8 Storage and Distribution Uses (applied flexibly) with hard and soft landscaping, servicing and associated works. 24/01740/MFA Hemel One Boundary Way Hemel Hempstead Hertfordshire HP2 7YU</p> <p>Overall Recommendation: Application can be determined with Conditions and Informatives listed</p> <p>Summary of Advice:</p> <ul style="list-style-type: none"> <li>o There is sufficient information on European Protected Species (bats) to allow determination.</li> <li>o Mitigation measures out lined in the Ecological reports listed below should be secured by Condition.</li> <li>o A Species Enhancement Plan) should be secured by Condition.</li> <li>o The submitted metric demonstrates a net gain in excess of 10%.</li> <li>o Onsite BNG should be considered a significant enhancement and secured by condition or legal agreement.</li> <li>o The Use of a HMMP should be secured by Condition.</li> </ul>

o The use of the approved metric to prepare the Net gain Plan should be secured by Condition.

Supporting documents:

I have made use of the following documents in providing this advice:

- o Ecological appraisal By Aspect Ecology July 2024
- o Landscape GA Plan (Stantec UK Limited Drawing No. RG-LD-100 Rev P2, dated 18/06/2024
- o Statutory Metric PDF copy assessment date 24 July 2024  
Version vfl

#### ECOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application.

Habitats: The habitats on site were not demonstrated to be rare or notable by the ecological surveys with in the Preliminary Ecological Appraisal. Given the urban and limited scope of these I have no reason to doubt this conclusion.

Bats: A preliminary roost survey assessed the building to have a low roosting potential based on a limited number of access points available to bats. an Emergence survey on the 19th June 2024 found no evidence of bats but an endoscope survey carried out at the same time did find a greater roosting potential beyond these accessible gaps. A further Emergence survey on the 23rd July 2024 found no evidence of bats. Consequently, I do not consider further surveys are necessary and the general precautionary mitigation for bats (see below) is sufficient.

Protected Species: I advise the mitigation measures outlined in the section 6 of the ecological report for for hedgerows and trees, bats, badgers, hedgehogs and nesting birds should be followed and secured by Condition such as the following or similar.

o

"The Recommendations for Impact avoidance and mitigation within section 6 of the Ecological appraisal By Aspect Ecology July 2024 represent precautionary measures and best practice which should be followed to avoid the risk of harm to extant protected species."

A statutory biodiversity metric has been submitted showing an onsite net gain of 0.80 habitat units (+14.84%) and 0.40 units hedgerow units (N/A). The metric calculations meet the trading rules.

This biodiversity net gain is achieved by the creation and enhancing of various habitats such as other neutral grassland, using a flowering lawn mix for areas of modified grassland, urban trees, and a Urban - Rain garden.

Significant Onsite Enhancement: The proposed BNG is dependent on medium distinctiveness habitats being successfully created and maintained. Given the distinctiveness of these habitats and vulnerability of their loss through the maintenance of the grassland as a typical amenity lawn, I advise that the On-Site enhancements should be considered Significant and should be secured by either a Condition subject to which the planning permission is granted or a planning obligation, for at least 30 years after the development is complete. Whilst the biodiversity gain condition is a post determination matter, the present information and habitat opportunity within the outline landscaping plan allows the LPA reasonable confidence that the general Biodiversity Condition will be discharged. The Biodiversity Net

	<p>Gain Plan should be prepared in accordance with the approved metric and I advise this element is secured by Condition.</p> <p>Creating a cleaner, greener, healthier Hertfordshire Habitat Management and Maintenance Plan (HMMP): I advise the means by which the Proposed habitats will be created and enhanced (the capital works) and then managed for 30 years should be shown within a Habitat Management and Maintenance Plan (HMMP) and secured by Condition. I would also advise that the condition includes the use of the HMMP Template published by Natural England.</p> <p>Other ecological opportunities: The ecological report recommends reasonable enhancements for bats, birds and invertebrates I advise these are shown on a Species Enhancement Plan and secured by Condition. Suggested wording below:</p> <p>o</p> <p>"Prior to the commencement of development A species enhancement plan for Bats, birds and Invertebrates shall be submitted to and approved in writing by the LPA. This should show the location, number and type of enhancement and how their biodiversity value will be sustained over time. The Species Enhancement Plan should also be informed by the lighting strategy and the ecological report by the Ecological appraisal By Aspect Ecology July 2024. All approved features shall be installed prior to first occupation of the dwelling and be maintained and retained thereafter.</p> <p>Following completion of the dwelling and prior to their first occupation, a report from an appropriately qualified ecologist confirming that all the proposed features have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the LPA."</p> <p>I trust these comments are of assistance,</p>
Strategic Planning & Regeneration (DBC)	Thank you for your email. We do not wish to comment on the application. Please ask should you have any queries.
Health & Safety Executive	<p>Land Use Planning Consultation with Health and Safety Executive Town and Country Planning (Development Management Procedure) (England) Order 2015 Planning application: 24/01740/MFA Proposal: The demolition of existing structures and redevelopment for E(g)(iii) Industrial Processes, B2 General Industrial and B8 Storage and Distribution Uses (applied flexibly) with hard and soft landscaping, servicing and associated works.</p> <p>Location: Hemel One Boundary Way Hemel Hempstead Hertfordshire HP2 7YU</p> <p>1.</p> <p>HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines. The proposed development site identified in planning application 24/01740/MFA lies within the consultation distance (CD) of a major hazard site, H1372, H1427, H3687 - Buncefield Terminal, Green Lane, Hemel Hempstead, HP2 7HZ. The Buncefield Terminal site is a large-scale petrol storage site.</p> <p>2.</p> <p>As the site area which has been identified in the planning application lies partially within the Development Proximity Zone (DPZ), inner and middle zone of the major hazard site this consultation has been assessed using HSE's land use planning methodology (see</p>

<https://www.hse.gov.uk/landuseplanning/methodology.htm>) and HSE Circular SPC/Tech/Gen/43 'Land use planning advice around large-scale petrol storage sites' ([https://www.hse.gov.uk/foi/internalops/hid\\_circs/technical\\_general/spc\\_tech\\_gen\\_43/index.htm](https://www.hse.gov.uk/foi/internalops/hid_circs/technical_general/spc_tech_gen_43/index.htm)). When HSE is consulted on a proposal for a development within the DPZ, it will advise against all uses or activities proposed within the DPZ which do not meet the definition of Not Normally Occupied in the SPC. Developments which meet the Not Normally Occupied Criteria include parking areas with no associated facilities, storage facilities and minor transport links.

3.

Appendix 1 shows the 'Proposed Site Plan, H100-CMP-SI-ZZ-DR-A-00100, dated 02.05.2024 Revision PL1. Appendix 2 shows the proposed plan with the HSE consultation zones overlaid. This development is for a warehouse with an office on the first floor.

4.

The proposed development is for an 8,927 m<sup>2</sup> warehouse and office, which is located mostly within the inner and middle consultation zone of the Buncefield Terminal (this can be seen in Appendix 2). When a proposed development lies within more than one consultation zone of a major hazard, according to HSE's LUP methodology, the straddling (or 10%) rule will be applied to determine which zone the whole development should be treated as lying within. In this case, as more than 10% of the warehouse is located within the inner zone, then the proposed development is deemed to be located within the inner zone. There is also the top right of the warehouse that does fall within the DPZ so this area would have to meet the 'not normally occupied criteria' if HSE were not to advise against it on safety grounds.

5.

Within HSE's LUP methodology the warehouse and the offices would be classed as the development type DT1.1 'workplaces'. HSE would not advise against the granting of planning permission as long as each building located within the inner zone provides for less than 100 occupants and has less than 3 occupied storeys.

The proposed warehouse and office have 3 storeys. HSE understands that the third storey is a plant room according to design and access statement part 2 (document 1518186). HSE understands from the application form uploaded on Dacorum's website (uploaded on 6/8/2024) that there will be 76 car parking spaces and 4 motorcycling spaces assigned to the warehouse and office. Therefore, HSE expects that the warehouse and office will meet the criteria for an SL1 workplace.

6.

HSE also understands from the plan H100-CMP-U1-00-DR-A-00100 dated 14/5/2024 that there is cat ladder in the top right of the warehouse that lies within the DPZ. HSE would not advise against this part of the warehouse being used for storage, as long as:

- o there were no more than 3 workers present at one time, and

- o the total time for which persons will be in the DPZ zone will not exceed 2 hrs in any 24 period.

7.

Car parking for the development predominantly falls within the inner zone of the Buncefield terminal and this would be development type DT1.2 'parking areas', which would be a sensitivity level 1 if no other

	<p>associated facilities are present. HSE does not advise against this type of development located within the inner zone of the consultation zones.</p> <p>8. Within the DPZ of Buncefield Oil Terminal there is a service yard and some car parking. HSE would not advise against parking or the service yard in the DPZ, as long as:</p> <ul style="list-style-type: none"> <li>o there were no more than 3 workers present at one time,</li> <li>o the total time for which any individual will be in the DPZ zone will be for less than 2 hrs in any 24 period, and</li> <li>o there are no associated structures, recreational areas or facilities for HGV drivers (i.e. no sleeping or staying in the cabs) within the DPZ area.</li> </ul> <p>9. The site plan (H100-CMP-SI-ZZ-DR-A-00100, dated 02.05.2024 Revision PL1 shows 13 parking spaces for cars within the parking area in the DPZ. Therefore, HSE understands that the car parking that falls within the DPZ meets the criteria in Development Type 0.1 and there are no associated facilities for staff located within the DPZ. Therefore, HSE expects that the service yard and parking area would meet the Not Normally Occupied criteria if there were no associated structures, recreational areas of facilities for HGV drivers within the DPZ area. HSE's Advice</p> <p>10. HSE's assessment therefore indicates that the risk of harm to people at the proposed development is such that HSE does not advise, on safety grounds, against the granting of planning permission for application 24/01740/MFA, as long as the following conditions are applied:</p> <ul style="list-style-type: none"> <li>o There should be no associated structures recreational areas or facilities for HGV drivers (i.e. no sleeping or staying in the cabs) within the area of the parking area and service yard within the Development Proximity Zone</li> <li>o There should be only two occupied storeys in the warehouse building (the 3rd storey could be a plant room where occasional maintenance would occur).</li> <li>o The north-eastern part of the warehouse that falls within the Development Proximity Zone shall be only for storage and shall meet the 'not normally occupied' criteria of no more than 3 workers being present at one time, and the total time for persons to be in the Development Proximity Zone should not exceed 2 hrs in any 24 period.</li> </ul> <p>Reason: In the interests of safety from hazards and risks due to the possible presence of hazardous substances that require hazardous substances planning consent.</p>
Trees & Woodlands (DBC)	<p>Although the number of trees it is intended to remove from this site is high, overall I'm comfortable with what is being proposed. A very high portion of the trees are young, of low quality (BS5837), and are located within the middle of edge of a car park setting. Such trees rarely thrive in this harsh planting environment and all are of low amenity value.</p> <p>T81 is a more mature Scarlet Oak of moderate quality that has the potential to develop into a more prominent tree. However, its location</p>

	<p>within the plot is problematic for the future usage of the site and so its removal is accepted.</p> <p>The retention of T90-92 is welcomed, even though the trees are of low quality. Their presence will soften views of a new car parking area.</p> <p>The existing strip of land containing TPO trees is to be unaffected by proposals and supplemented by new planting.</p> <p>Mitigation planting is welcomed. It is important to plant the right species of tree in the right place to ensure that future growth is accommodated within the proposed development layout, and to avoid potential conflict between trees and structures or parked cars. I haven't noted that species information has yet been submitted so this would need to be supplied with planting locations, planting sizes and maintenance regimes.</p>
<p>Places Services Urban Design Officer</p>	<p>Thank you for consulting us for pre-application advice on the above application. This letter sets out our urban design comments following on from the first PPA pre-application advice meeting held 05th September 2024.</p> <p><b>Policy Background</b>  The National Planning Policy Framework Section 12 requires that developments:</p> <ul style="list-style-type: none"> <li>- Function well.</li> <li>- Are visually attractive as a result of good architecture, layout and appropriate landscaping.</li> <li>- Are sympathetic to local character, including the historic built character, while not preventing increased densities.</li> <li>- Create a strong sense of place through definition of streets and distinctive forms.</li> <li>- Optimise the potential of the site to create an appropriate amount and mix of development.</li> <li>- Create places that are safe, inclusive and accessible.</li> <li>- Are consistent with the principles set out within the National Design Guide (NDG).</li> </ul> <p>Our comments are set out below and are cross referenced to the NDG together with local guidance which apply to the site such as the Dacorum Strategic Design Guide SPD.</p> <p><b>Access and Layout</b>  <b>Relevant NDG sections:</b></p> <ul style="list-style-type: none"> <li>- C1 calls for designs which understand and relate well to local built environment character, views, layout, form, scale and appearance.</li> <li>- I1 encourages buildings which respond well to local character and identity through appreciation of existing built form, height scale, massing and relationships between buildings. This includes the scale and proportions of proposals, façade design, patterns and proportions of fenestration and their details.</li> <li>- I3 encourages the siting of buildings within the landscape, the arrangement of layout and grain, landscape spaces, movement network, development blocks, scale, form, proportions, and materials to create distinct characters and a memorable sense of place.</li> </ul> <p>The proposed access arrangements retain the access off Boundary Road being and two new vehicular entrances being constructed from</p>

this road. It is considered positive that pedestrian access is separated from vehicle movement routes and access from the car parks do not require road crossing or interaction with HGV's accessing the service yard. The access arrangements are considered acceptable from an urban design perspective.

The proposed layout includes a number of positive features, such as the location of the car park and service yard away from Boundary Way which is the main public movement route surrounding the site. The proposal also introduces a number of positive features such as landscaping, an amenity area and conveniently located cycle storage. The proposed building has been located to the western part of the site and the more active office use is located positively on the western edge of the building, offering opportunity for activity and definition of Boundary Way.

As highlighted in the pre-application advice meeting and in previous correspondence with Dacorum, the proposed building is significantly larger than the current building on site. As a result of the requirements of the Buncefield HSE Consultation Zones and the proposed building size, the building is located close to Boundary Way. There does appear to be a precedent for this type of building within the wider Maylands industrial estate. Despite this precedent, it is considered that this will have an impact on the Boundary Way street scene and as much of a buffer as possible should be provided to avoid a detrimental impact. Resultantly, adequate screening and architectural treatment to the elevation require careful consideration to ensure the bulk and scale of the building is appropriately accommodated within the street scene.

Following this main area of concern, we highlighted a number of smaller scale layout comments, which we would welcome further design refinement to enhance the schemes response to national and local best practice design policy. These are as follows:

- Based on the layout plan, the main pedestrian access path from the car park appears quite narrow along the southern part of the building. Furthermore, the cycle shelter has the opportunity to create a tight and unwelcoming space between the cycle shelter and building. We would therefore welcome consideration of opportunities to widen the footpath or justification on the width. A cycle shelter that is visually permeable would also improve this space.

- The small area of landscaping to the south of the disabled spaces is cut into by the car park access road. It was questioned whether rotating the furthest west space would reduce the amount of road access space required and then free up some more space for landscaping and public realm.

- We would always encourage opportunities to break up rows of car parking spaces up with landscaping to create a more positive environment that contributes to biodiversity improvements and temperature regulation.

Scale and Massing

Relevant NDG sections:

- C1 calls for designs which understand and relate well to local built environment character, views, layout, form, scale and appearance.

- Section B encourages the use of height, density and arrangement of buildings to create destinations, increased legibility, and proposals

that are proportionate to the spaces they overlook while being sensitive to the existing landscape and built form context. Place Services is a traded service of Essex County Council. It is understood that at pre-application 1 comments were made about the scale of the surrounding context and requests were made to create some formality along Boundary Way, articulate the built form so it acts as a transitional element in the wider context, recommendations of avoiding a bulky square footprint form, and the elevation treatment should be articulated with consideration of varying heights to step down to a human scale.

We note that following on from the initial pre-app, the design of the building has been developed further. We are pleased to see confirmation of the use of a parapet roof form and the language of the adjacent OSD Healthcare centre has been used to inform the design approach. This is mainly through the inclusion of the projecting feature frames on the western elevation.

It is considered that the design approach has a number of positive features. As highlighted above, we are pleased to see the active part of the building located on the most prominent corner and the use of full height glazing and framing works well in highlighting the entrance space and ensuring legibility. The simplistic and complimentary range of materials tones applied, and the use of clean design features are considered to respond well to contemporary design principles. The use of a darker grey at the lower parts of the building and a lighter grey for the upper parts helps to ground the building and give the taller parts a more light weight appearance. This is positive in using the materiality to reduce the impact of the buildings mass. We are pleased to see a variety of cladding proposed as this will introduce different tones and textures to the building.

During the meeting we highlighted a number of comments around opportunities for further design improvement. Large commercial buildings, such as the one proposed, often have a very strong horizontal emphasis due to the shape and size of the elevations. Whilst it is positive that the framing on the west elevation has been introduced to bring in some vertical emphasis to help relate the elevation to the human scale, we would welcome opportunities to develop this further. For example, on the western elevation the office windows are located at the top of the framing and this reduces the buildings relationship to the human scale and we would welcome opportunities to bring windows at the ground floor level in line with the OSD Healthcare centre. This would result in active fenestration features at ground floor level and improve the buildings relationship with Boundary Way. Furthermore, whilst the corner element of the southern elevation is considered positive, there are concerns with the lack of verticality in the remainder of the elevation. This part of the building will have a relationship with the OSD Healthcare centre, and it is considered that some verticality could be introduced into this part of the building to use design features to bring down the scale of this element.

It is considered that the below precedent provides opportunities to relate to the human scale and introduces verticality by using either windows, recessed elements or materiality changes to break up the elevation.

Sustainability

	<p>Section R1 of the NDG states:  Well-designed places and buildings follow the energy hierarchy of: reducing the need for energy through passive measures including form, orientation and fabric; using energy efficient mechanical and electrical systems, including heat pumps, heat recovery and LED lights; and maximising renewable energy especially through decentralised sources, including on-site generation and community-led initiatives. (National Design Guide Section R1).</p> <p>From an urban design perspective, we are pleased that the proposals have considered sustainability in a detailed manner. The aspiration for BREEAM Excellent is commended and the range of sustainability measures proposed are positive. We are pleased to see this consideration includes active travel uses, EV charging and PVs. To progress this proposal further, we would welcome opportunities to include more PV panels due to the roof area available and consideration should be given to supporting infrastructure for employees cycling to work in the form of lockers and shower facilities.</p> <p><b>Summary</b>  In summary, we welcome the progression of the design proposals in response to constraints of the site and the previously raised pre-application comments. The proposal is generally considered to be positive, and the design approach includes a number of high-quality features as outlined above. Despite this, the proposed building is considered to be a large building which will impact on the Boundary Way street scene. To ensure the most sensitive introduction of a large building into the site context, we would always welcome opportunities to enhance the buffer between the street and building. However, should the site constraints and functional requirements of the building not facilitate this, we would welcome further design refinement to the buildings western and southern elevation to ensure a positive relationship, that maximises the buildings response to the human scale is created by giving the impression of activity and breaking down the horizontality of the building.</p> <p>We have also suggested a few more minor layout points, which we would welcome consideration of to progress the public realm at the entrance space.</p> <p>We look forward to reviewing the next iteration of the scheme and should you require further clarification on any of the above points, please feel free to discuss further.</p>
<p>Hertfordshire Fire &amp; Rescue (HCC)</p>	<p>Following an email from Highways dated 27 August 2024, enclosing a copy of the above planning application we have examined the documentation provided and take the opportunity to make the following comments.</p> <p><b>ACCESS AND FACILITIES</b></p> <p>Access for fire fighting vehicles should be in accordance with The Building Regulations 2010, Approved Document B (ADB) Vol 2, section B5, sub-section 15.</p> <p>1. It would appear the width of the access road is sufficient to comply with the minimum width of 3.7m as stated in ADB vol 2, section B5, Table 15.2</p>

	<p>2. Access routes for Hertfordshire Fire and Rescue Service vehicles should meet the requirements stated in section B5, Table 15.2, with consideration given for ALP access due to buildings of over 11m in height. It should be noted that the increased minimum carrying capacity figures of 19 tonnes for a pump &amp; 26 tonnes for an ALP should be used.</p> <p>3. It is unclear from the plans whether the proposed development will be fitted with a fire main. If the building is not fitted with a main, for this size of building, access to 50% of the perimeter will be required as stated in Table 15.2 of ADB volume 2, section B5. It would appear from the plans that this access can be achieved. If the building is fitted with a fire main, access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building. In addition, buildings fitted with fire mains must have a suitable hydrant sited within 90m of the fire main inlets.</p> <p>4. Where security barriers are provided, provision will be required ensuring the gate can be opened should the fire service need to be called.</p> <p><b>WATER SUPPLIES</b></p> <p>For information on water supplies for fire-fighting (Fire hydrants) please contact Hertfordshire Fire &amp; Rescue Services water officer on 01992 507507 or <a href="mailto:water@hertfordshire.gov.uk">water@hertfordshire.gov.uk</a></p> <p>The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations.</p>
Thames Water	<p><b>Waste Comments</b></p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p>

	<p>Thames Water would 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>Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.  <a href="https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes">https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes</a></p>
Hertfordshire Highways (HCC)	<p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>Provision of Internal Access Roads, Parking &amp; Servicing Areas  Prior to the first use of the development hereby permitted the proposed internal access roads, on-site car parking, servicing and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.</p> <p><u>Reason:</u> To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>Construction Management Plan  No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of a. Construction vehicle numbers, type;  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. Timing of construction activities including delivery times and removal of waste</p> <p><u>Reason:</u> 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</p>

(adopted 2018).

#### Planning Obligations

A Travel Plan in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post full occupation. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website

#### Comments and Analysis

The application comprises of a redevelopment of the site to provide flexible employment use of class

E, B2 and B8 (replacing the existing office building). The site is accessed via Boundary Way, which is designated as an unclassified local access road, subject to a speed limit of 30mph and is highways maintainable at public expense. Boundary Way is classed as P2M2 (multi-function road) on HCC's Place & Movement Network.

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

#### Vehicle Access

There is an existing bellmouth access from Boundary Way, which leads to a shared access to the application site and neighbouring sites. The proposals would utilise this existing access point and do not include any new or altered vehicle highway access nor any specific highway works. The proposed private access road is to be rearranged as shown on submitted drawing numbers KMC24048001 B and site plan H100CMPSIZZDRA00100. The existing island along the private access road is to be removed and replaced by a single arm barrier approximately 20m from the highway on Boundary Way. An acceptable level of vehicle to vehicle visibility would be retained at the access onto Boundary Way (with vehicle to vehicle visibility splays in excess of 2.4m by 43m retained in either direction). Appendix D of the TS includes swept path analysis tracking plans to illustrate that a 16.5m and 18.5m long HGV would be able to utilise the proposed site access arrangements in addition to using the proposed service yard, turn around on site and egress to Boundary Way and the larger wider network in forward gear. The arrangements in this respect are considered to be acceptable by HCC as Highway Authority.

Due to the large size of the proposals, as part of the highway authority's assessment of this planning application, we consider that Hertfordshire Fire and Rescue should be consulted for any comments or recommendations which they may have. Therefore, details of the proposal have been passed to them for attention.

#### Parking

The proposals includes a total provision of 76 car parking spaces including 5 disabled, 17 active electric vehicle charging (EVC) spaces

and 4 car share spaces. The TS states that all other car parking spaces would be equipped with passive EVC provision. This is supported by HCC to ensure that the proposals encourage electric vehicle use in accordance with the Highway Authority's Local Transport Plan (LTP4) and Sustainability Strategy.

Following consideration of the nature of the proposals and the car parking analysis as included in section 6 of the TS, HCC as Highway Authority would not have an objection to the proposed car parking provision. Nevertheless DBC as the planning and parking authority would ultimately need to be satisfied with the overall level and type of proposed vehicle parking.

40 covered and secure cycle parking spaces have been included as part of the proposals, the general design and level of which is considered to be acceptable. HCC as Highway Authority would support the promotion and maximisation of cycling as a form of travel to the site. Vehicles would need to be made aware the cyclists would also be using the car park and vehicle access and therefore appropriate signage and lighting would need to be considered and provided. It is also recommended that the level of cycle parking is increased as and when demand may arise for such an extra provision.

#### Accessibility and Sustainable Travel Options

The site is located within the larger Maylands industrial area. There are existing footways on Boundary Way, which extend into the site and the proposals provide pedestrian access into the site from the highway footway. There are existing pedestrian dropped kerbs and tactile paving on either side of the bellmouth access on Boundary Way

The nearest bus stops to the site are located on Boundary Way fronting the site, which is well within the normally recommended walking maximum distance of 400m and therefore there is potential for bus services to provide a convenient sustainable travel option. The nearest bus stops are served by ML1 which also provided a link to Hemel Hempstead Railway Station during the morning and evening peak.

DBC has adopted the Community Infrastructure Levy (CIL). Therefore contributions towards strategic and local transport schemes as outlined in HCC's South West Hertfordshire Growth & Transport Plan (2019) would be sought via CIL or 106 planning obligations as appropriate Travel Plan Planning Obligations

A Framework Travel Plan (TP) has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The travel plan is considered to be generally acceptable for this stage of the application. Nevertheless a full TP would need to be secured via a Section 106 planning obligation. Developer contributions of £6000 (index-linked RPI March 2014) are sought via a Section 106 Agreement towards supporting the implementation, processing and monitoring of a full travel plan including any engagement that may be needed.

As such, the TP would need to be updated taking into account the following Framework travel plan to be updated to full travel plan, once occupier identified

Provide contact details of an interim travel plan co-ordinator (TPC);

State that details of a secondary contact to the TPC will be provided to HCC;

Provide an estimate of time to be allocated to TPC role;

State whether TPC to be based on or off site;

State whether there is an intention to create a steering group;

Detail whether there is any plan to hand the TP to a management company;

Include details of which external partners will be engaged with;

Mention Hertfordshire Health Walks under walking measures section;

Promote the demand responsive transport (DRT) service that operates in Dacorum; Insert baseline survey results, following baseline survey; Agree targets with HCC, following baseline survey;

Commit to undertaking traffic counts, in line with HCC Travel Plan Guidance 2020, to support questionnaire surveys; HCC hold a licence with Modeshift STARS - a travel plan accreditation platform (DfT approved). Modeshift STARS offers a platform to build a travel plan and manage it, awarding developments for their efforts to encourage sustainable modes of travel. Prior to occupation, the travel plan coordinator should attend a meeting with an HCC officer for an introduction and set up to the platform.

Insert text to state that the travel plan will be secured by S106 agreement with a £1200 per annum evaluation and support fee (total £6000).

#### Trip Generation and Highway Impact

A trip forecasts and assessment for the existing and proposed use has been included as part of the TA (Sections 5). The trip generation is based on trip rate information from the TRICS database.

Following consideration of the nature and size of the proposals, the parameters and approach used is considered to be acceptable by HCC as Highway Authority. Based on this approach:

a proposed industrial use (B2) use is expected to generate 21 two-way vehicle movements in the AM peak (0800-0900) and 18 two-way vehicle movements in the PM peak (1700-1800).

a proposed warehouse use (B8) use is expected to generate 42 two-way vehicle movements in the AM peak (0800-0900) and 50 two-way vehicle movements in the PM peak (1700-1800).

a proposed light industrial use is expected to generate 79 two-way vehicle movements in the AM peak (0800-0900) and 51 two-way vehicle movements in the PM peak (1700-1800).

In all scenarios the proposed development is forecast to result in an overall reduction in two vehicles trips when compared to the existing permitted use. Following consideration and review of the results, the impact of the level of trips on the surrounding highway network would not be considered to be significant or severe enough to recommend refusal from a highways perspective.

#### Conclusion

	<p>HCC as Highway Authority considers that the proposal would not have a significant impact on the safety and operation of the surrounding highway network. HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and travel plan S106 obligation.</p> <p><b>Proposal</b>  <b>AMENDED PROPOSAL</b>  The demolition of existing structures and redevelopment for E(g)(iii) Industrial Processes, B2 General Industrial and B8 Storage and Distribution Uses (applied flexibly) with hard and soft landscaping, servicing and associated works  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><u>Comments:</u>  The Highway Authority provided comments and recommendations to the original consultation on this matter within its' response dated 27 August 2024, recommending support for the application subject to conditions, informatives and planning obligation in respect of Travel Plan.</p> <p>The amended proposal appears to be limited to information provided subsequent to the provision of revised elevations and sections to the main building (27th September). The Highway Authority are satisfied that such amendments to the scheme shall not have a material affect on the advice and recommendations previously provided. Consequently, no further comments are made, and the LPA requested to retain and use our earlier comments and recommendations</p>
Environmental And Community Protection (DBC)	<p>Due to the lack of residential impact based on the sites location we would have no concerns in regards to noise and so on.</p> <p>However would suggest to condition that the mitigation for dust noise etc. from demolition and construction outlined in their construction plan is adhered to; and also request for the following informatives to be included:</p> <p>Working Hours Informative  Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p>

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

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

#### Waste Management Informative

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

#### Air Quality Informative.

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

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

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

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

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

Invasive and Injurious Weeds - Informative

	<p>Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p>
<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the planning application submissions, including the TRC reports:</p> <ul style="list-style-type: none"> <li>o Desk Based Geoenvironmental and Geotechnical Site Assessment - 588240 - July 2024</li> <li>o Intrusive Geoenvironmental and Geotechnical Site Assessment - 588240 - July 2024.</li> </ul> <p>and the ECP Team records I have the following comments and recommendations.</p> <p>There is no objection to the proposed development, however, there is a requirement for the applicant to undertake further assessment of the potential for land contamination to impact the proposed development.</p> <p>Therefore, if permission is granted, the following conditions will be required to enable the applicant to demonstrate that land contamination does not present an unacceptable risk to the proposed development, or that any unacceptable risk is understood and can be managed to ensure that the proposed development is safe and suitable for its intended use.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <ul style="list-style-type: none"> <li>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</li> <li>(ii) The results from the application of an appropriate risk assessment methodology.</li> </ul> <p>(b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.</p> <p>(c) This site shall not be occupied, or brought into use, until:</p> <ul style="list-style-type: none"> <li>(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above</li> </ul>

	<p>have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</p> <p>(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2: Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: The above conditions are in line with paragraphs 180 (e) &amp; (f) and 189 and 190 of the NPPF 2023.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here: <a href="https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm">https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</a> and here: <a href="https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8">https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8</a></p>
Local Lead Flooding Authority	<p>Thank you for your consultation on the above site, received on 12 August 2024. We have reviewed the application as submitted and wish to make the following comments.</p> <p>We object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy relating to:</p> <ul style="list-style-type: none"> <li>• Impacts of flooding on the development.</li> <li>• The proposed SuDS are likely to increase the risk of flooding elsewhere.</li> <li>• The development not complying with NPPF, PPG or local policies due to lack of design information to sufficiently address increase of flood risk elsewhere.</li> </ul> <p>o Flood risk objective 1: Achieve flood risk reduction through spatial planning and site design</p>

- o Flood risk objective 3: Reduce surface water runoff from new developments
- o Policy CS29 -Sustainable Design and Construction
- o Policy CS31- Water Management
- o Policy CS32- Air Soil and Water Quality

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

We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document are adequately addressed. As a summary we require the applicant to:

- adequately address the surface water flow path, ensure that the users and occupants are safe and that the drainage scheme does not become overwhelmed by the flow path. Consider how, if any management of the flow path can be separated from the drainage network and if any improvements can be made.
- submit information regarding safe access and egress.
- submit flood resistance and resilience measures and in relation to the minimum requirements of the freeboard for finished floor levels.
- submit supporting drainage calculations including climate change for the 3.33% AEP rainfall event,
- clarification on proposed greenfield runoff rates and volumes. We accept the stated rates but there is confusion if the outfall will hold water to a single rate of 3.4 l/s as per the calculations or it will be a complex control as per the report and associated drainage drawing. If it is proposed to be a complex control, then long term storage should also be provided and shown to discharge at a low rate of 2 l/s/ha (as per the SuDS Manual).
- re-assess the brownfield runoff rates using the actual existing drainage system as evidence i.e. the current number of gullies, reasonable time of entry, slope, pipe network and outfall restrictions. If there is an existing outfall restriction this must be considered, e.g. orifice or surcharge outfall.
- note that the discharge to the Thames Water sewer is a new connection and must be at greenfield runoff rate and volume (rather than a brownfield runoff rate).
- Clarification on if any of the existing drainage network will be retained and a CCTV survey and timeline be submitted if so (to show if any defects need to be rectified)
- Consider if additional information can be submitted on an appropriate water quality assessment,
- include a CV value of 1 in all calculations (including the simulation settings) and assess if flooding occurs once recalculated,
- submit exceedance information, including exceedance flow routes, proposed external ground levels, finished floor levels and any designed slopes.

Informative - For further advice on what we expect to be contained within the FRA and/or a Drainage Strategy to support a planning application, please refer to the Validation List and Proforma on our

	<p>surface water drainage webpage  <a href="https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx">https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx</a> This link also includes HCC's Flood Risk Management policies on SuDS in Hertfordshire. We do expect the Validation List to be submitted to the Local Planning Authority and LLFA to show you Creating a cleaner, greener, healthier Hertfordshire Page 3 of 4 have provided all information and the Proforma to the LLFA to summarise the details of the proposed development. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Hertfordshire Lead Local Flood Authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals. Both FEH13 and FEH22 are currently accepted to support drainage modelling calculations. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted. Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at <a href="mailto:FRMConsultations@hertfordshire.gov.uk">FRMConsultations@hertfordshire.gov.uk</a>.</p>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
91	4	2	1	1

### Neighbour Responses

Address	Comments
Property and Consents- UK Power networks Barton Road Bury st Edmunds IP32 7BG	<p>We refer to the Planning Application for the above site. The proposed development is in close proximity to our substation and underground cables and have the following observations to make:</p> <p>If the proposed works are located within 6m of the substation, then they are notifiable under the Party Wall etc. Act 1996. The Applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The Applicant would need to be responsible for any costs associated with any appropriate measures required. Any Party Wall Notice should be served on UK Power Networks at its registered office: UK Power Networks, Newington House, 237 Southwark Bridge Road, London SE1 6NP.</p> <p>Our engineering guidelines state that the distance between a dwelling of two or more stories with living or bedroom windows overlooking a distribution substation should be a minimum of ten metres if the transformer is outdoor, seven metres if the transformer has a GRP surround or one metre if the transformer is enclosed in a brick</p>

building. It is a recognised fact that transformers emit a low level hum which can cause annoyance to nearby properties. This noise is mainly airborne in origin and is more noticeable during the summer months when people tend to spend more time in their gardens and sleep with open windows.

A problem can also occur when footings of buildings are too close to substation structures. Vibration from the transformer can be transmitted through the ground and into the walls of adjacent buildings. This, you can imagine, is very annoying.

In practice there is little that can be done to alleviate these problems after the event. We therefore offer advice as follows:

1. The distance between buildings and substations should be greater than seven metres or as far as is practically possible.
2. Care should be taken to ensure that footings of new buildings are kept separated from substation structures.
3. Buildings should be designed so that rooms of high occupancy, i.e. bedrooms and living rooms, do not overlook or have windows opening out over the substation. Minimum distance for this should be at least 10m.
4. If noise attenuation methods are found to be necessary, we would expect to recover our costs from the developer.

Other points to note:

5. UK Power Networks require 24 hour vehicular access to their substations. Consideration for this should be taken during the design stage of the development.
6. The development may have a detrimental impact on our rights of access to and from the substation. If in doubt please seek advice from our Operational Property and Consents team at Barton Road, Bury St Edmunds, Suffolk, IP32 7BG.
7. No building materials should be left in a position where they might compromise the security of the substation or could be used as climbing aids to get over the substation surround.
8. There are underground cables on the site associated with the substation and these run in 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.
9. All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices.

Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

<p>Robertson House Gunnels Wood Road Stevenage SG1 2ST</p>	<p>Hertfordshire Futures (formerly the Local Enterprise Partnership) supports this planning application.</p> <p>We are very concerned about the loss of employment space across Hertfordshire - see report <a href="https://www.hertfordshirelep.com/media/rmphd5mk/loss-of-employment-space-in-hertfordshire-february-2019.pdf">https://www.hertfordshirelep.com/media/rmphd5mk/loss-of-employment-space-in-hertfordshire-february-2019.pdf</a>.</p> <p>As a result we welcome planning applications, such as this proposal by Wrenbridge, that replace outdated and under-used commercial space with new high quality business space that will make a positive contribution to local employment and the local economy. We consider that this development will enhance Maylands, the largest employment area in Hertfordshire, and will help to support the county's overall inward investment offer.</p> <p>Head of Infrastructure &amp; Regeneration Hertfordshire Futures</p>
<p>29 Ridge Lea Hemel Hempstead Hertfordshire HP1 2AY</p>	<p>I suggest that the application should include access routes between the highways Boundary Way and Buncefield Lane for non motorised users as part of a coherent network within the commercial area of Herts Garden Community planning.</p>
<p>One Stop Doctors</p>	<p>We submit this representation to the above application on behalf of our client, One Stop Doctors Ltd ('OSD'). OSD is an innovative private hospital which provides a range of primary and secondary care services including diagnostic imaging, consultant services and day case surgical procedures. These services are provided within their purpose-built facility which has an established presence at the Maylands Business Park, adjacent to the application site. The facility generates a number of local benefits, including delivering care to NHS patients to help alleviate pressures on local NHS facilities. In this context, OSD is keen to work with officers at Dacorum Borough Council (DBC) to continue the safe and effective operation of the facility. We would therefore welcome the opportunity to discuss the proposed development and the operational requirements at OSD with you or the applicant directly.</p> <p><i>The application relates to 'The demolition of existing structures and redevelopment for E(g)(iii) Industrial Processes, B2 General Industrial and B8 Storage and Distribution Uses (applied flexibly) with hard and soft landscaping, servicing and associated works.'</i></p> <p>Having reviewed the application documents, we conclude that the development could give rise to impacts on the day-to-day operation and management of OSD throughout the demolition, construction and operational phases of the development. We have reached this conclusion in part because insufficient information has been submitted with the application to allow us to fully consider the potential impacts on OSD. We set out the basis for OSD's objection in more detail below.</p>

### **Construction Stage Impacts**

The submitted Outline Construction Management Plan ('OCMP') provides an overview of the proposed construction methodology and the expected impacts on the local community and neighbours. We regard the key issues relating to construction impacts as noise and vibration, dust emissions, air quality and traffic/HGV congestion. While the OCMP indicates a detailed CEMP will be prepared and can be secured by condition, the OCMP is missing some important details, include in relation to demolition. Further detail is also required in relation to the boundary treatment, with a solid hoarding at least 2.5m in height required in our view. Additional details of construction traffic management, including deliveries/HGV waiting and contractor parking, should be provided at the application stage given the ongoing shared use of the principal access road. These details are important if OSD is to understand the likely demolition period and potential degree of disruption to the OSD operation, and should be provided in an updated OCMP prior to determination to ensure the detailed CEMP can be effectively scoped and secured by a planning condition, and any effects managed.

### **Noise and Vibration**

We note that DBC Environmental Health and Community Protection has raised no objection on the basis there is no residential impact based on the site's location. We would however ask you to recognise that OSD is a noise sensitive use.

The submitted Noise Survey does not address noise effects during construction. The OCMP identifies a series of mitigation measures to reduce the noise impact from construction activities, including the use of super silenced plant where feasible and noise emission limits on all equipment bought to site.

Given the site's proximity to OSD, and the sensitive nature of the medical use, the effect of noise and vibration generated by the demolition and construction of the proposed development needs to be more carefully assessed. There are patient recovery and treatment rooms in the OSD building which face the application site, and the possible effect on these noise sensitive receptors has not been considered. Further, OSD maintains an aspiration to expand its services and offer overnight accommodation in the future. It is inevitable that noise (and vibration) from demolition and construction will result in some disturbance to patients and OSD's procedures, and these impacts need to be assessed and mitigated.

### **Air Quality**

The submitted Air Quality Assessment ('AQA') states that the potential dust emission magnitude during demolition and construction is considered to be '*large*', based on some broad, unspecified and unclear assumptions about demolition and construction activity. The application indicates that all construction vehicles will utilise the existing access road (from Boundary Way) to access the site, from both the north and south, and the AQA states that the greatest impact will be on areas immediately adjacent to the access road. All construction vehicles will be travelling directly adjacent to OSD along at least one boundary, and potentially two (if approaching from the south). The assessment fails to clearly recognise OSD as a sensitive

receptor or consider the sensitives associated with the OSD facility, including in the context of air intake for controlled systems, louvres and openable windows on the west façade.

OSD is concerned that a more precise project-specific assessment and clearer measures to minimise exposure to dust and particulate matter are required. The submitted technical documents should give more consideration to the effects of the demolition and construction on sensitive neighbouring receptors such as OSD to demonstrate the effects are within acceptable limits.

We ask that, the applicant provides additional details in relation to noise and vibration and air quality, with a specific focus on the OSD building and the potential impacts and proposed mitigation during the demolition and construction periods.

### **Vehicle movements and access/egress arrangements**

The submitted site layout plan and Transport Statement confirm the scheme proposes amendments to the current access and egress arrangements. The existing site layout encourages a one-way circular route. This reduces the potential for vehicular conflict with the vehicles using the entrance and exit to OSD on the opposite side of the shared access road. The proposed new access arrangements will require vehicles to enter and exit the car parking area to the south of the building via the single existing access which is opposite the OSD car park access. OSD is concerned that this revised access configuration increases the risk of vehicular conflict on the access road. We therefore ask for a review of the proposed vehicle access configuration, to consider whether a through-route could be maintained through the proposed car parking area, in the interests of the safe operation of the shared access road. Additionally, the scheme proposes a new security barrier on the shared access road off Boundary Way. The Transport Statement confirms the existing island will be removed and replaced with a single arm barrier. This will be in the same location as the existing barrier and set back 20m from Boundary Way, so will allow only a single HGV to wait at the barrier without risking an obstruction on Boundary Way. OSD is concerned that the estimated increase in HGV trips serving the site, and potentially trips of a different nature (deliveries and servicing by a range of visiting third parties rather than regular car park users) raises the potential for more than one HGV to arrive at a similar time and vehicles to be delayed at the barrier. It is also unclear how vehicles egressing the OSD site and other properties will be managed at the barrier, especially if a vehicle is waiting to enter. OSD would welcome further details on the intended barrier operation and how HGV movements to and from the site would be managed to avoid the risk of delays and congestion on Boundary Way. We also request further evidence that the new single arm barrier solution will accommodate all users of the access road and the range of vehicles which currently pass through the existing two-way barriers, either side of the central island. OSD also requests confirmation, by way of updated drawings and a condition, that the two existing zebra crossings will be re-provided on the access road as it is not clear from the proposed drawings or Transport Statement whether these crossings will be maintained. These crossings are important for safe pedestrian access to OSD and other nearby sites, so must be retained or suitable

	<p>alternatives provided. We trust that this representation will assist you when considering this application. We request that we are informed once any further information has been submitted to address the above concerns and we ask that we are given the opportunity to comment on any such information.</p>
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**ITEM NUMBER: 5c**

<b>24/00504/FUL</b>	<b>Construction of Agricultural Barn</b>	
<b>Site Address:</b>	<b>Kiln Meadow, Chesham Road, Wigginton</b>	
<b>Applicant/Agent:</b>	<b>Ms Pollard</b>	<b>AVT Design Studio</b>
<b>Case Officer:</b>	<b>Robert Freeman</b>	
<b>Parish/Ward:</b>	<b>Wigginton Parish</b>	<b>Aldbury and Wigginton</b>
<b>Referral to Committee:</b>	<b>This application has been referred to the Development Management Committee due to the contrary recommendation of the Parish Council</b>	

**1. RECOMMENDATION – That planning permission be REFUSED**

**2. SUMMARY**

- 2.1 The Council is not satisfied that the scale of the proposed building is necessary to support the agricultural and equestrian uses of land and as such would comprise appropriate development in the Green Belt in accordance with the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy.
- 2.2 The proposals are inappropriate in terms of their siting and scale and would substantially detract from the open character, natural beauty and appearance of the Green Belt and Chilterns National Landscape (formerly Chilterns Area of Outstanding Natural Beauty) contrary to the aims and objectives of the NPPF and Policies CS5, CS12, CS24 and CS25 of the Core Strategy.

**3. SITE DESCRIPTION**

- 3.1 The application site extends to some 1.21 hectares (3 acres) of land on the western side of Chesham Road and to the south of the village of Bovingdon. The land is located within the Chilterns National Landscape and Green Belt. The land appears to have been historically used for equestrian purposes although the stables originally connected with the land have been converted to residential use (20/02913/FUL) A gate onto Chesham Road provides access to the site. An existing stable building and a caravan are located adjacent to the site entrance in the south eastern corner of the application site.

**4.0 PLANNING HISTORY**

- 4.1 No planning history has been identified for the site.
- 4.2 The stable and caravan on the site do not appear to benefit from planning permission.

**5.0 PROPOSALS**

- 5.1 The current application seeks permission for the construction of a new barn building within which the applicant would store machinery for maintaining the fields and future livestock. The proposed building would comprise a hay/feed store measuring some 5m x 6m and a tractor/store measuring some 10m x 7m. The building would be constructed in weatherboarding on a plinth brick wall and with a pitched clay tile roof. The main barn building would be some 8m in height with a 4m high eaves line.

**6. REPRESENTATIONS**

Consultation responses

6.1 These are reproduced at Appendix A.

Neighbour Responses

6.2 These are reproduced at Appendix B

**7. PLANNING POLICIES**

National Planning Policy Framework (NPPF)

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

NP1 - Supporting Development

CS1 - Distribution of Development

CS5 – Green Belt

CS8 – Sustainable Transport

CS9 – Management of Roads

CS12 - Quality of Site Design

CS14- Economic Development

CS24 – Chilterns Area of Outstanding Natural Beauty

CS25 – Landscape Character

CS26 – Green Infrastructure

CS29 – Sustainable Design and Construction

CS31 - Water Management

CS32 - Air, Soil and Water Quality

Countryside Place Strategy

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

Policy 97 – Chilterns Area of Outstanding Natural Beauty

Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (2020)

Chilterns Building Design Guide

Energy Efficiency and Conservation

Hertfordshire County Council - Place and Movement Planning Design Guide

Water Conservation

**8. CONSIDERATIONS**

Policy and Principle

8.1 The site is located within the Green Belt where the Council will apply Green Belt policy in accordance with the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy.

8.2 Paragraph 154 of the NPPF advises that that the construction of new buildings within the Green Belt is inappropriate. However, a number of exceptions are made including buildings for agriculture and the provision of appropriate facilities for outdoor sport and recreation.

- 8.3 Whilst *R (Lee Valley Regional Park Authority) v Epping Forest District Council and Valley Grown Nurseries Ltd [2016]* concludes that agricultural buildings are, “in principle appropriate development in the Green Belt, regardless of their effect on the openness of the Green Belt and the purposes of including land in the Green Belt and regardless of their size and location” facilities for outdoor sport and recreation are only appropriate where “they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”
- 8.4 The application site is described as fallow land by neighbouring parties but there is evidence of some equestrian use of the site both current and historic. There do not appear to be any agricultural activities actively undertaken on the site nor does there appear to be sufficient space upon which to sustain viable agricultural activities alongside equestrian uses. Indeed, the historic buildings associated with the agricultural use of the land appear to have been demolished and the use ceased following the construction of a dwelling to the rear of 2 Kiln Cottages (20/02913/FUL)
- 8.5 Despite the submitted statement indicating that the intention is to reintroduce agricultural activities on the land, the existing stables would be retained at the site as set out within the submitted site plan. The land is barely sufficient to support the grazing of horses in accordance with the recommendations of the British Horse Society<sup>1</sup> whilst the description of the proposed agricultural use of the site is vague including the growing of hay, the storage of a tractor and farm equipment and the keeping of livestock. Insufficient information has been provided to satisfy the Council that the building would be necessary or completely used for agricultural activities or that it would be proportionate to any agricultural use of the land. The building is substantial in scale and size and would clearly detract from the open character of the Green Belt in this location exacerbated by the proliferation of buildings on the site and its siting adjacent to the highway. The proposed building would not preserve the openness of the Green Belt in this location; particularly given its scale, bulk and height contrary to the NPPF and Policy CS5 of the Core Strategy

#### Impact on the Chilterns National Landscape

- 8.6 Paragraph 182 of the NPPF places great weight on conserving and enhancing the landscape and scenic beauty of Areas of Outstanding Natural Beauty. The Chilterns is a landscape of natural beauty and distinctive character formed not just by the look of the landscape but also its landform and geology, ecology, cultural and heritage features.
- 8.7 Policy CS24 of the Core Strategy requires that in considering applications for development within the Chilterns Area of Outstanding Natural Beauty one should conserve the special qualities of the AONB and build upon the principles set out within the Chilterns Conservation Board Management Plan and Chilterns Building Design Guide.
- 8.8 Saved Policy 97 of the Local Plan 1991-2011 states that the primary planning consideration will be the conservation of the beauty of the area. New buildings should not be sympathetically sited and designed having regard to the landscape and topography of the site and use appropriate materials. The intensity of farming practices should not be detrimental to the landscape quality. Farm buildings and new buildings generally should be avoided or sited unobtrusively within complex of existing farm buildings
- 8.9 The siting, design and appearance of any new building is thus critical to its assimilation into the surrounding landscape. The village of Wigginton is described as a plateau village in the Chilterns Building Design Guide and these types of settlement are generally more compact

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<sup>1</sup> The British Horse Society recommends a ratio of one horse per 0.4-0.6 hectares (1-1.5 acres)

locations providing a hard edge between housing and the adjacent countryside. The ribbon of development extending to the south of the Cholesbury Road junction with Chesham Road is inherently harmful to the settlement pattern in the Chilterns and the siting of the proposed building would augment this ribbon of development within the countryside. The effect of this ribbon development is to give an appearance of more extensive development in the countryside and is strongly discouraged under the Chiltern Buildings Design Guide. The proposed building is considered to be poorly sited extending the built form to Chesham Road. The proposed building would be located some 5m from the boundary of the site with Chesham Road with a large area of gravel being deposited to provide access. This gravel area would extend over 20m into the site from the access and between the proposed building, the existing stables and the highway. This would have a significant urbanising impact on the site, dominating the street frontage and cause significant visual harm to the appearance of the Chilterns.

- 8.10 The building itself is considered to be excessive in terms of its scale, bulk and height and would be clearly visible above the existing hedge line to Chesham Road. Although utilising traditional materials, it would nonetheless detract from the open character and appearance of the Green Belt and natural beauty of the Chilterns. This would be contrary to the NPPF, Policies CS10, CS12, CS24 and CS25 of the Core Strategy

#### Impact on Highway Safety and Parking

- 8.11 The use of the existing access onto Chesham Road for farming or equine purposes is considered to be unlikely to result in significant or demonstrable harm to matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy. There is a good level of visibility from the site entrance in both directions on Chesham Road and although vehicles would be required to stop on the highway whilst the access gate is opened, the resulting obstruction of the highway would be fleeting and irregular in nature.

#### Biodiversity Net Gain

- 8.12 The application was submitted prior to the introduction of the requirements for biodiversity net gain as a mandatory requirement for minor developments and as such is considered to be exempt from the requirements for BNG in accordance with the Biodiversity Gain Requirements (Exemptions) Regulations 2024
- 8.13 There is scope to improve the overall biodiversity value of the site through potential landscaping to the site including the strengthening of existing hedgerows at the site perimeter and by soft landscaping screens to the proposed building. These could be secured by condition in the event that planning permission were recommended for approval.

#### Other Material Planning Considerations

##### *Contamination*

- 8.14 The Council's scientific officer has been consulted in relation to the application and has no objections to the proposals on the basis of land contamination.

##### *Impact on Residential Amenity*

- 8.15 The propose building is not considered to result in any significant harm to the residential amenities of properties neighbouring the site in view of the distance between the new building and these properties. There is little evidence that the use of the access would be

any more detrimental to privacy of residential units than a lawful use of the site and as such no grounds for objection could be substantiated under Policy CS12 of the Core Strategy.

#### Neighbours Comments

- 8.16 Two neighbouring parties to the site have expressed concerns with the veracity of the application given the history of the site and neighbouring land to the rear of 2 Kiln Cottages. Whilst these concerns are acknowledged, the Council is required to make a judgement on the information submitted; namely that the proposals would be an agricultural storage building. As indicated above there is a lack of information justifying the use of the building its scale and nature. Furthermore, given the absence of any viable business case for the agricultural development on the site, the Council is not satisfied that the proposals support the rural economy and maintenance of the wider countryside in accordance with Policy CS5 of the Core Strategy.

### **9. CONCLUSION**

- 9.1 There is a lack of justification for a building of this scale within the countryside and in the absence of this information, the proposed building in view of its scale, bulk, height and siting is considered to result in significant harm to both the Green Belt and Chilterns National Landscape.

### **10 RECOMMENDATION.**

- 10.1 That planning permission is REFUSED for the following reasons.
- 1) The proposed building in view of its siting, scale, bulk, and height is considered to result in significant harm to the open character and appearance of the Green Belt contrary to the NPPF and Policy CS5 of the Core Strategy.
  - 2) The proposed building in view of its siting, scale, bulk, and height is considered to result in significant harm to the character and appearance of the Chilterns National Landscape contrary to the NPPF, Policies CS10, CS12, CS24 and CS25 of the Core Strategy, Saved Policy 97 of the Local Plan 1991-2011 and the Chilterns Building Design Guide SPD

### **APPENDIX A: CONSULTATION RESPONSES**

<b>Consultee</b>	<b>Comments</b>
Wiigginton Parish Council	The Parish Council supports the application, which pays due regard to the established Chiltern vernacular with the appropriate design and use of materials
Contaminated Land Officer	Having reviewed the documents submitted in support of the above application and the Environmental and Community Protection (ECP) Team records I am able to confirm that there is no objection to the proposed development and no requirement for land contamination conditions.
Environmental Health	With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, Air Quality and Invasive and Injurious Weeds which we respectfully

request to be included in the decision notice.

*Working Hours Informative*

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

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

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

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

*Construction Dust Informative*

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

*Waste Management Informative*

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

*Air Quality Informative.*

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

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air

	<p>quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.</p> <p>A key theme of the NPPF is that developments should enable future occupiers to make “green” vehicle choices and (paragraph 35) “incorporates facilities for charging plug-in and other ultra-low emission vehicles”. Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.</p> <p>Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p><i>Invasive and Injurious Weeds – Informative</i></p> <p>Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p>
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## APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
1 Kiln Cottages, Chesham Road	<p>We object to the proposals for the following reasons:</p> <p><u>Destruction of the Green Belt by Stealth Planning for Profit:</u></p> <p>The applicants no longer own their family home but do own the land around it, of which they have recently sold part. They sold the barn and garages at the rear of the plot for redevelopment. We did not object to this as the buildings were already in situ and it was a good use of a depreciating asset, and the UK needs houses.</p> <p>However, this new application means building a new barn from scratch on Green Belt land, which we object to. The planning application is for a barn, but this could later become another</p>

	<p>application to change the barn into a dwelling, just as highlighted previously, and the green belt will slowly be eroded by stealth planning for profit. We all need housing, but we also need green spaces and should not sacrifice one for the other.</p> <p><u>Noise and loss of privacy:</u></p> <p>The previous barn conversion did cause noise and impacted upon our privacy during construction. The temporary road across within the field runs parallel long the length of and within 20ft of our garden. The driver of heavy vehicles such as tractors sit high up and can therefore see straight into our garden. The entrance to the field is close to our bedroom. We do not wish for heavy farm machinery to be sat idling and moving in and out of the field to this new barn.</p> <p><u>Highways safety issues with large vehicles entering and exiting the site:</u></p> <p>The entrance / exit gate for the field is proximal to and within 5m of our driveway. Previous construction caused safety issues with large vehicles pulling into and out of the site through the gate onto Chesham Road (Chesham Road at this point is a national speed limit zone). The above was only mitigated by having a second man to watch and stop the traffic. It will be unlikely that farming vehicles will have a second man to stop and block the road to open the gate, therefore constant entry and exit of large farming vehicles will again cause safety concerns.</p> <p>Neighbours' safety affected regarding visibility onto the highway: Vehicles will sit in this entrance / exit whilst opening gates or waiting to pull out etc, severely block our view when exiting our driveway, causing a safety hazard that currently does not exist as the field is unused and is Green Belt land.</p> <p><u>Other</u></p> <p>Barn storage attracting vermin close to residential housing: A barn built so close to housing will attract vermin. Especially if the barn is to be used for hay feed and seed storage.</p>
<p>Merrymead Barn, Chesham Road</p>	<p>We note with some concern the application for the erection of an agricultural building at 'Kiln Meadow'. Whilst we welcome this small fallow piece of land being brought back into use, we object to the size, scale and nature of the proposed building.</p> <p>It would appear to be in direct contradiction to Planning Policy CS5 Green Belt as it does not meet any of the listed provisions. Specifically we note that it has not been proven to support the rural economy. The supporting statement provided gives no information as to the long term fiscal support to the rural economy and we question how 3 acres of grassland could provide a farm income?</p> <p>In examining the supporting statement, we cannot actually find any direct confirmation of the type of enterprise proposed. In fact, the major influence appears to be equestrian, which is not an agricultural</p>

classification, or some domestic use in the distant past. (Although we also note the stables are not used).

In recent years the land has lain idle, except for the burning of the Applicants rubbish and garden waste and occasional land management by a local agricultural contractor, this seems to be at odds with the expressed intent.

As regards the need for a building, we question why the applicant needs one? They have garaging (vacant) on the extension of their land to the south, which is not shown on their submitted plan.

Furthermore, the current stable block would provide adequate hay storage as the land is too small to support adequately more than one or two ponies.

Ref:- "Managing Land for Horses" a SEEDA Publication -As a guide one hectare of land will be needed to support a 500kg horse where the objective is to provide year round turnout and all or most of its nutritional requirements from that land\*. (South East England Development Agency)

Finally, we question why the applicant sold their existing stables, garages and associated buildings not 4 years ago for redevelopment, if this enterprise is so central to their family life? We request that the Planning Officer also addresses this aspect in considering the veracity of the application.

# Agenda Item 5d

ITEM NUMBER: 5d

24/01768/FUL	Proposed new build detached four-bedroom dwelling upon the unused side garden to the west of no.22 Verney Close, including rear garden and associated car parking.	
Site Address:	22 Verney Close, Berkhamsted, Hertfordshire, HP4 3JS	
Applicant/Agent:	Mr Simon Lawrence	Mr Chris Hurley
Case Officer:	Kirsty Shirley	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	This application has been referred to the Development Management Committee as the Berkhamsted Town Council have called this application in on the basis that the development represents overdevelopment of the site with the development exacerbating car parking stress in the area.	

## 1. RECOMMENDATION

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

## 2. SUMMARY

- 2.1 The positioning, scale and design of the dwelling would not result in development that appears cramped within the plot or represent over development.
- 2.2 The proposal would provide sufficient on-site car parking to the rear of the site which would serve both the proposed and existing dwelling adequately.
- 2.3 The proposed dwelling would integrate with the local character and, through careful consideration of siting and design, and would not result in any significant adverse impacts on neighbouring properties.

## 3. SITE DESCRIPTION

- 3.1. Verney Close is a residential area, characterised predominantly by two-storey, semi-detached properties that are similar in architectural style and material palette.
- 3.2. Verney Close has an inclined topography, sloping upwards from Ashridge Rise to Ridgeway.
- 3.3. The application site is located at the end of Verney Close and is comprised of a semi-detached dwelling with a sizeable side to rear garden.
- 3.4. To the front of the application site is a footpath that connects Verney Close to Tresco Road.

## 4. PROPOSAL

- 4.1. The application is for the erection of a dwelling following the subdivision of the plot of 22 Verney Close.
- 4.2. The dwelling would be a detached property located to the west of number 22 benefiting from a private garden as well as three on-site car parking spaces to the rear of the site.

## **5. BACKGROUND**

5.1. The application site benefits from two previous planning approvals for the erection of a dwelling following the subdivision of the plot: one in 2008 (4/01487/08/FUL) and one in 2017 (4/00070/17/FUL).

## **6. PLANNING HISTORY**

### 6.1. Planning Applications

24/00037/LDP - Dormer to existing attic room and single storey rear and side extensions *WDN*  
- 30th January 2024

24/00464/FHA - Proposed single storey rear and side extension, plus loft conversion with rear dormer, side window and two front slope roof lights *GRA* - 26th April 2024

4/00070/17/FUL - Two bed dwelling, parking, access and landscaping

*GRA* - 22nd March 2017

4/02602/14/FHA - Two storey side extension, single storey rear extension. Demolition of existing rear extension and outbuildings *GRA* - 17th December 2014

4/01266/13/LDP - Enclosed front porch with pitched roof extending over existing bay window and single storey rear extension with pitched roof extending over existing utility room *REF* - 28th August 2013

4/01487/08/FUL - New dwelling  
*GRA* - 2nd September 2008

4/00305/08/FUL - New dwelling and parking  
*WDN* - 3rd April 2008

4/00828/05/DRC - Details of materials required by condition 2 of planning permission 4/01491/04 (two storey side extension)  
*GRA* - 12th May 2005

4/01491/04/FHA - Two storey side extension  
*GRA* - 12th August 2004

4/00824/98/RET - Conservatory *GRA*  
- 12th June 1998

### 6.2. Appeals:

None

## **7. CONSTRAINTS**

BCA Townscape Group  
CIL Zone: CIL1  
Parish: Berkhamsted CP

RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE  
RAF Halton and Chenies Zone: Red (10.7m)  
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)  
Residential Character Area: BCA16  
Parking Standards: New Zone 3  
EA Source Protection Zone: 2  
Town: Berkhamsted

## **8. REPRESENTATIONS**

### **8.1. Consultation responses**

These are reproduced in full at Appendix A.

### **8.2. Neighbour notification/site notice responses**

These are reproduced in full at Appendix B.

## **9. PLANNING POLICIES**

### **9.1. Main Documents:**

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

### **9.2. Relevant Policies:**

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

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS8 – Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS29 - Sustainable Design and Construction  
CS35 - Infrastructure and Developer Contributions

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

Policy 13 - Planning Conditions and Obligations  
Policy 18 - Size of New Dwellings  
Policy 51 - Development and Transport Impacts  
Policy 54 - Highway Design  
Policy 55 – Traffic Management  
Policy 99 – Trees and Woodlands  
Appendix 3 - Layout and Design of Residential Areas

*Area Based Policies (2004) (adopted May 2004)*

9.3. Supplementary Planning Guidance/Documents:

Area Based Policies (2004)

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)

Car Parking Standards (2020)

Planning Obligations (2011)

Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

Place & Movement Planning and Design Guidance (2024)

## 10. CONSIDERATIONS

### Principle of Development

- 10.1. The site is situated within a residential area of Berkhamsted, wherein Core Strategy Policies CS1 and CS4 encourage appropriate residential development.
- 10.2. It is notable that the erection of a dwelling following the subdivision of the plot of 22 Verney Close was approved under applications 4/00070/17/FUL and 4/01487/08/FUL.
- 10.3. The proposed development is therefore acceptable in principle, subject to an assessment of its impact on the residential amenity of surrounding dwellings, the residential amenity of the proposed dwelling, the character and appearance of the surrounding area and parking/highway safety.
- 10.4. Quality of Design / Impact on Visual Amenity
- 10.5. Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 139 states that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents. Dacorum's Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) state that development within settlements and neighbourhoods should preserve attractive streetscapes; integrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials.
- 10.6. The application site is located within Character Appraisal area BCA16: Durrants. BCA16 describes the area as a large housing area comprised of mainly semi-detached dwellings from the 1940s and 1950s in a relatively spacious setting. The design of dwellings is every simple with a general lack of detailing on buildings, creating a strong design pattern overall. Hipped roofs and red brickwork are notably features of dwellings within the area. The density of the area is within the low range, around 15-25 dwellings per hectare.
- 10.7. Verney Close is characterised by semi-detached dwellings. The land levels in this area slope upwards from Verney Close to Tresco Road, which is to the southwest of the site. The application dwelling is at the end a row of semi-detached properties, and is mostly concealed from views on Verney Close due to the positioning of the dwelling and extensive mature vegetation.

- 10.8. Under previously approved application 4/00070/17/FUL, a two storey detached dwelling was approved. This dwelling was similar in ridge height and width to number 22 and set slightly back from the front building line. This approved dwelling was also the same design, scale and positioning as that approved under application 4/01487/08/FUL.
- 10.9. The proposed dwelling would represent a density of approximately 20 dwellings per hectare, which would be in keeping with the density of 15-25 dwellings per hectare outlined in Character Appraisal BCA16.
- 10.10. The proposed dwelling would be a detached two storey dwelling with a habitable roof space, and due to the sloping land levels would be situated on a higher land level than the existing dwelling and row of dwellings it would be sited within. However, the glimpsed views of wider properties in proximity to the row of dwellings that application site is within all respect the sloping land levels. The proposed dwelling would be viewed as taller than the application dwelling on Verney Close but lower than the properties on Tresco Road. The proposed dwelling would respect and relate to the topography of the area and would not appear out of keeping with dwellings at different land levels within the area.
- 10.11. The ridge of the proposed roof would appear to be the same width as the row of dwellings the application site is within, however the dwelling would be wider at first floor level and further wider at ground floor level when compared to these dwellings. The site constraints result in the plot to be wider at the front before narrowing considerably to the rear, which is reflected in the layout of the proposed dwelling. While the dwelling would utilise the majority of the north of the plot, a considerable amount of rear space would remain, and the dwelling would therefore not appear as cramped or overdevelopment within the site. The right hand side of the dwelling would be mostly concealed from public vantage points due to the dwellings positioning, orientation and screening and so a degree of asymmetry and enlargement on this side would be considered acceptable.
- 10.12. The front build line of the proposed dwelling would create a staggered building line, where number 22 dwelling projects slightly forward of number 24, and the application dwelling would project slightly forward of number 22. The proposed porch would further relate to the creation of a staggered building line.
- 10.13. The dwelling would also benefit from a rear facing dormer. The dormer would be flat roofed and occupy the majority of the rear roof slope, however it would be noticeably set down from the ridge height and flank elevations of the proposed dwelling. It is noted that number 16 (within the terraced row of dwellings number 22 is within) benefits from a sizeable flat roof rear dormer, and number 22 benefits from planning approval for a flat roof rear dormer under application 24/00464/FHA. The dormer would therefore be considered acceptable in this case.
- 10.14. The proposed dwelling is proposed to be finished in buff brick, with clay roof tile, timber framed porch and sage green window casements and guttering. However, the material palette of dwellings in Verney Close is predominantly red brick, white casements and brown roof tiles. However, it is acknowledged that a wider material palette of dwellings within Tresco Road is visible from the application site. It is considered reasonable in this case to secure the external finish of the dwelling by condition to ensure that the proposed materials would be in keeping with the streetscape character that the proposed dwelling would be situated within.
- 10.15. It is therefore considered that the scale, design and positioning of the development would be in accordance with character appraisal BCA16, proportionate within the site and not represent overdevelopment of the site.

### Impact on neighbouring amenity

- 10.16 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 (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.
- 10.17 Neighbouring representations from number 24 Verney Road and 8 Tresco Road have been received raising concerns regarding loss of light and overshadowing, loss of privacy, overdevelopment and insufficient car parking.
- 10.18 Concerns regarding overdevelopment and car parking have been addressed elsewhere within the report.
- 10.19 Regarding loss of light and overshadowing, the proposed dwelling and number 22 have broadly south facing rear gardens, benefitting from long periods of sunlight. Numbers 6 to 10 Tresco Road that adjoin the application site to the west have east facing rear gardens, which benefit from sunlight from the mid-morning to the early afternoon.
- 10.20 The distance between the main rear wall of the proposed dwelling to the main rear walls of numbers 6 to 10 Tresco Road would exceed 23m. The scale, positioning and orientation of the proposed dwelling would result in numbers 8 and 10 Tresco Road experiencing an increase in shading in their rear gardens in the early hours of the morning. However the degree of shading introduced would be modest and would be short-lived given the time of the day when the increase of shading would occur. The orientation of the rear gardens of numbers 6 to 10 Tresco Road and the proposed dwelling, in combination with the considerable distance between the dwellings and sloping topography, would therefore not result in numbers 6 to 10 to experience an undue loss of light as a result of the development or a harmful increase in overshadowing.
- 10.21 Number 22 and 24 have south facing rear gardens that benefit from long periods of sunlight. Due to the scale and the positioning of the dwelling, in combination with the orientation of the rear gardens of number 22, 24 and the proposed dwelling, the development would not result in either number 22 or number 24 to experience an increase in overshadowing or a harmful loss of light.
- 10.22 In terms of privacy, the dwelling would have no windows inserted into either flank elevation. Windows would be inserted into the first and second floor of the rear elevation of the dwelling. While the development would introduce a degree of overlooking not currently experienced, the topography of the site and relationship between the rear elevation of the proposed dwelling and rear elevation of the properties on Tresco Road would prevent undue overlooking towards the occupiers of Tresco Road.
- 10.23 The first and second floor windows of the rear elevation of the dwelling would be positioned in a manner that could result in overlooking towards the rear garden of number 8 Tresco Road. The main rear elevations of the proposed dwelling and 8 Tresco Road would have a distance that exceeds 23m. The windows at first and second floor level to the left side of the rear elevation (closest to number 8) are annotated on the submitted plans to be obscured glazed. These windows would serve non-habitable spaces and the obscured glazing would further mitigate against adjoining occupiers experiencing an undue loss of privacy.

- 10.24 Previously approved applications 4/00070/17/FUL and 4/01487/08/FUL were approved with two windows within the first floor rear elevation positioned centrally within their respective elevation. It is acknowledged that this application proposes additional windows within the roof level that the previous schemes did not.
- 10.25 The unobscured windows at both first and second floor level of the proposed dwelling would be situated to the right hand side of the dwelling, rather than centrally, making it challenging for future occupiers to look towards Tresco Road. It is acknowledged that these windows may increase the perceived level of overlooking towards number 8 Tresco Road, however the degree of increased perceived overlooking would not be out of accordance with what would be expected within a neighbouring relationship.
- 10.26 Due to the land level and existing boundary screening, the existing rear views from number 22 do not result in overlooking towards numbers 6 to 10 Tresco Road, but it is noted these properties do have views into the rear garden of number 22. It is noted that number 22 benefits from planning permission.
- 10.27 The positioning and scale of the development, in combination with the topography of the site, would not result in the development to appear overbearing or unduly dominant towards adjoining neighbours.

#### Future Occupier Amenity

- 10.28 Saved Appendix 3 of the Dacorum Local Plan states that all residential development is required to provide private open space for use by residents whether the development be houses or flats. The proposed dwelling would be afforded its own private rear amenity space that would be functional in size and shape, with a minimum depth of 11.5m.
- 10.29 The proposed dwelling would have a private rear garden with a depth of at least 11.5m. To ensure practicality of the garden due to the sloping topography of the site, a patio area would be created with steps up to a further garden area. This provides functional and private rear gardens for both the future occupiers of the dwelling as well as the existing occupiers of number 22.
- 10.30 The garden would be functional in size and shape and therefore in accordance with Saved Appendix 3 of the Dacorum Local Plan.

#### Impact on Highways and Car Parking

- 10.31 The NPPF (2023), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the Parking Standards Supplementary Planning Document (SPD)(2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.
- 10.32 The proposed dwelling would have four bedrooms and in this location should therefore provide three on-site car parking spaces.
- 10.33 The submitted plans show the rear of the site to have five car parking spaces – three would be allocated to the new dwelling and two allocated to 22 Verney Close. These would be accessed by an existing sliding gate to the rear of the property, which is accessed via the Ridgeway. From

a recent site visit, this access arrangement has been in situ for a considerable period of time due to the weathering of the of the access and hardstanding within the rear of the site.

10.34 It remains unclear whether the applicant has the relevant consents from the Council's Estate team to use this access. However, seeking and gaining the relevant consent would be a matter managed outside of the planning system.

10.35 The car parking spaces would measure 2.5m by 5m, which would be in accordance size standards set out in Hertfordshire County Council's Place & Movement Planning Design and Guidance (2024).

10.36 It is acknowledged that the car parking spaces would be tandem in configuration. While this is not an ideal configuration for car parking, given the sites size and shape providing 5 on-site car parking spaces results in this formation. As the car parking spaces would be allocated to and managed by the respective occupiers of either the proposed dwelling or number 22, and is not reliant on liaising with adjoining occupiers to access/egress the car parking spaces, it is considered in this case that tandem car parking would be acceptable in this location.

10.37 The submitted plans also show the location of a cycle store to the rear of the garden, which would assist in reducing the reliance on private motor vehicle and encourage a sustainable form of transport. Full details of the cycle store can be secured by condition.

10.38 The Hertfordshire Highways Authority have commented that the development would not have an unreasonable impact on the safety and operation of the adjoining highway. However, due to the garage site access at the rear being small and tight in configuration, with a footpath to the front of the application site that needs to remain clear, the Hertfordshire Highways Authority have advised a construction management plan (CMP) should be submitted prior to development to ensure that the construction vehicles used can safely enter the site and not impact the flow of the highway. This can be secured by condition in the event of an approval, which the applicant has agreed too.

#### Waste Management

10.39 The bins serving the dwelling are shown to be located to the front of the site in a bin store.

10.40 Bins can cause visual clutter within a street scene. In this case, the front of the site would provide adequate space for the refuse and recycling bins required. The front of the application is well screened, limiting views of the bin storage from public vantage points.

#### Environmental Health

10.41 The Council's Environmental Health have raised no concerns regarding contamination, noise, odour or air quality, but have suggested the inclusion of informatives to advise the applicant.

#### Biodiversity Net Gain and Ecology

10.42 Biodiversity Net Gain (BNG) is now mandatory for major development and small sites.

10.43 A residential development where the number of dwellings is between 1 and 9 on a site area of an area 1 hectare or less would constitute a small site where BNG would be required.

10.44 The proposed development consists of no more than 9 dwellings, is less than 0.5 hectares in site area and will consist of a dwelling that is self-build or custom housebuilding that is defined in section 1 (A1) of the Self-build and Customer Housebuilding Act 2015.

10.45 Consequently, the proposed development is exempt from BNG requirements.

10.46 There are no trees within the application site and there are no Tree Protection Orders for trees in proximity to the site.

#### Sustainability

10.47 All new development should be consistent with the principles of sustainable design as set out in Policies CS29, CS30 and CS31 of the Core Strategy and saved Policy 129 of the saved local plan, together with Supplementary Planning Documents for Energy Efficiency and Conservation, and Water Conservation. Policy CS29 is particularly relevant together with the Sustainable Development Checklist and advice note.

10.48 Details regarding sustainable measures to be incorporated into the new dwelling have not been submitted with this application, however full details of sustainability measures to be incorporated can be secured by condition.

#### Permitted Development Rights

10.49 To allow the Local Planning Authority to duly assess the impact of any future development within the site in terms of neighbouring amenity and character of the streetscape, it is considered reasonable and necessary in this case to remove permitted development rights under Classes AA, A, B, and E under Schedule 2, Part 1 of the General Permitted Development Order (2015) (as amended) for the proposed dwelling.

#### Community Infrastructure Levy (CIL)

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

#### Habitats Regulations Assessment Chilterns Beechwoods Special Area of Conservation

10.51 The Council has a legal obligation under the Habitat Regulations to ensure that the integrity of the Chilterns Beechwoods SAC is maintained. A Mitigation Strategy has been approved which sets out targeted measures to protect the site and to accommodate the predicted pressures associated with future growth within the 12.6 kilometre Zone of Influence that extends from Ashridge Commons and Woods Site of Special Scientific Interest (SSSI).

10.52 The Council has worked with Natural England and other relevant partners to agree a mitigation strategy which enables the Council to carry out their legal duties and grant residential development in the Borough. The mitigation strategy requires financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.

10.53 The development would cause additional recreational pressure to the CBSAC and as such were consent to be granted mitigation would need to be secured via a legal agreement.

10.54 A legal agreement has been instructed in anticipation of the event of an approval, however it has not been finalised at this point.

## 11. CONCLUSION

11.1 Subject to the suggested conditions, the proposed development would be in accordance with the relevant policies of the Dacorum Local Plan (2004), the Core Strategy (2013) and the National Planning Policy Framework (2023).

## 12. RECOMMENDATION

12.1 That planning permission is DELEGATED with a VIEW TO APPROVAL subject to the completion of a legal agreement to secure appropriate contributions towards SMM and SANG in accordance with the Chiltern Beechwoods Mitigation Strategy and the following planning conditions.

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

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

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

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

**0453-002 REV P01  
0453-106 REV P02  
0453-107 REV P02  
0453-108 REV P02  
0453-109 REV P02  
0453-104 REV P02  
0453-105 REV P02  
0453-103 REV P02  
0453-102 REV P02**

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

3. **Prior to the commencement of any below ground construction works including the erection of any foundations a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases (excluding demolition) of the development. The construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:**

- o **construction vehicle numbers, type and routing;**
- o **traffic management requirements;**
- o **construction and storage compounds (including areas designated for car parking);**
- o **siting and details of wheel washing facilities;**

- o **cleaning of site entrances, site tracks and the adjacent public highway;**
- o **timing of construction activities (to avoid school pick up/drop off times);**
- o **post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
- o **construction or demolition hours of operation; and**
- o **dust and noise control measures.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 114 and 116 of the National Planning Policy Framework (December 2023).

4. **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).

5. **The first and second floor windows within the rear elevation annotated as 'obs' on submitted and approved plan 0453-107 REV P02 shall be permanently fitted with obscured glass with a minimum of privacy level three and shall be non-opening below 1.7m from finished floor level.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 135 (f) of the National Planning Policy Framework (December 2023).

6. **No construction of the superstructure shall take place until details for the provision of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first occupation of the relevant part of the development to which they relate and retained thereafter.**

Reason: To provide for alternative modes of transport, having regard to Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraph 110 (d) of the National Planning Policy Framework (December 2023).

7. **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 AA, A, 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 Policies CS12 of the Dacorum Borough Core Strategy (2013) and chapter 12 of the National Planning Policy Framework (2023).

8. **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. 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 159 and 162 of the National Planning Policy Framework (December 2023).

9.

#### **Informatives:**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. Dust from operations on the site should be minimised by spraying with water or 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.
3. In accordance with the Councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours - 07:30 to 17:30 on Monday to Friday, 08:00 to 13:00 on Saturday and no works are permitted at any time on Sundays or bank holidays.
4. The attention of the Applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
5. Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>.
6. 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.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Berkhamsted Town Council.	<p>Objection</p> <p>The proposed substantial dwelling in a cramped location does not respect the amenity of the neighbouring properties. It is an overdevelopment of the site by way of scale, mass and bulk. It is also absent on car parking, which could exacerbate parking stress in this area. CS12</p>
BCA Townscape Group	<p>We OBJECT to this application on grounds of over-development (building on side garden, "unused" or not). Inadequate access resulting in the need for tandem parking.</p> <p>The BCA wishes to object due to overdevelopment of the site. There is inadequate access to the site which would result in tandem parking.</p>
Hertfordshire Highways (HCC)	<p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following condition:</p> <p>1) Construction Management Plan / Statement</p> <p>No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:</p> <ol style="list-style-type: none"> <li>a. Construction vehicle numbers, type, routing;</li> <li>b. Access arrangements to the site;</li> <li>c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);</li> <li>d. Cleaning of site entrances, site tracks and the adjacent public highway;</li> <li>e. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times</li> </ol> <p><u>Reason:</u> 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).</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>

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-andpavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/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.

AN4) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-developmentmanagement.aspx> Comments/Analysis

#### Description of Proposal

Proposed new build detached four bedroom dwelling upon the unused side garden to the west of no.22 Verney Close, including rear garden and associated car parking

#### Site and Surroundings

Verney Close 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)), Verney Close is classified as a P2/M1 (Residential Street). The site is located to the west of Berkhamsted. The nearest marked bus stop to the site is located on Durrants Road and is approximately 400m from the site. Berkhamsted is the nearest train station which is located approximately 2km from the site. A convenience store is located within 140m of the site, additionally, a leisure centre is situated within a 400m walk. The Highway Authority are satisfied the site is in a sustainable location given the size of the development, in line with the principles set out in HCC's Local Transport Plan 4 (LTP4).

#### Access and Parking

The application does not propose to create a new vehicular access into the highway and instead makes use of the current parking area to the rear of the existing dwelling which is access via a private garage area which are setback from the highway. The access route into the garages from the highway is not highway maintainable and is not to be amended with the application. The dropped kerb access from the highway into this access is not to be altered either and the available visibility from this access is not to be affected. A new pedestrian access is proposed to the new dwelling from the highway footway on the footpath between Verney Close and Tresco Road; the proposed gate on this access opens into the site and therefore does not impact upon the existing footway. The proposed steps to the dwelling are also located within the site, meaning the highway is not to be altered at all with the application.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that the access into the parking area experiences minimal visibility owing to the location of the access to the rear of the garages. However, it is noted that this access is existing and in use for the current dwelling, and due to the location of the said access, it is unlikely vehicles will exit at speed and the visibility from the access is effectively similar to that of the existing garages. The parking spaces at the site have been shown on drawing number 0453-102 Rev P02 to measure 2.5m x 5m in line with the PMPDG. It is noted however that the parking arrangement at the site is quite tight, although as the spaces that are blocked in are blocked by vehicles from the same dwelling, it is unlikely to cause an issue regarding highway safety. HCC would also be supportive of two spaces for each dwelling should DBC determine that the parking arrangement at the site is too tight to navigate effectively. Cycle parking has

	<p>been shown in the proposed private garden of the dwelling. Electric vehicle charging has not been shown on the plans but should be included in line with DBC standards and updated Building Regulations.</p> <p><u>Refuse and Waste Collection</u> 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 residents must not carry waste for more than 30m. These distances are unlikely to be exceeded at the site however, it is noted that as the pedestrian access into the dwelling is onto a footway, the bins should not be placed upon the footway interrupting the flow of pedestrians.</p> <p><u>Emergency Vehicle Access</u> 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 is the case at this site with all of the proposed dwelling being within this 45m.</p> <p><u>Construction Management</u> A Construction Management Plan (CMP) has been requested owing to the access arrangements at the site. The garage site access to the rear is small and tight by nature and pedestrian access is via a footpath which should be kept clear at all times to ensure the free flow of pedestrians. Therefore, a CMP should be provided which indicates that the size of the construction vehicles used can safely enter the site and not impact the flow of the highway.</p> <p><u>Conclusion</u> HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application.</p>
<p>Environmental and Community Protection (ECP)</p>	<p>With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However, I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, Air Quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p><u>Working Hours Informative</u> 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.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team <a href="mailto:ecp@dacorum.gov.uk">ecp@dacorum.gov.uk</a> or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be</p>

affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

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

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

#### Waste Management Informative

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

#### Air Quality Informative.

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

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

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

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

	<p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds - Informative  Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-otherinvasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-otherinvasive-plants</a></p>
<p>Natural England</p>	<p>NATURAL ENGLAND'S ADVICE  OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity:</p> <ul style="list-style-type: none"> <li>o Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG.</li> <li>o Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.</li> </ul> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Please re-consult Natural England once this information has been obtained. When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.</p> <p>Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.</p> <p>The 12.6km zone proposed within the evidence base<sup>1</sup> carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out</p>

adverse effects on the integrity of the SAC from the cumulative impacts of development.

In addition Footprint Ecology identified that an exclusion zone of within 500m of the SAC boundary was necessary as evidence indicates that mitigation measures are unlikely to protect the integrity of the SAC.

Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. The report identified several ways in which public access and disturbance can have an impact upon the conservation interest of the site, these included:

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

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, to housing development within 12.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.

Natural England are working alongside all the involved parties in order to achieve a Strategic Solution that brings benefits to both the SAC and the local area to deliver high quality mitigation. Once the strategy has been formalised all net new dwellings within the 500m - 12.6km zone of influence will be expected to pay financial contributions towards the formal strategy.

Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 64.

We would like to draw your attention to a recent appeal for St Leonard's Church Hall (Ref: APP/X0415/W/21/3278072) dated 1 March 2022. The appeal relates to net development within 12.6km of Chilterns Beechwoods SAC and was dismissed. The appeal decision is attached in Annex A. 1 Panter. C, Liley. D, Lake. S, Saunders. P & Caals. Z, March 2022, Visitor Survey, recreation impact assessment and mitigation requirements for the Chilterns Beechwoods SAC and the Dacorum Local Plan. Available at: [dacorumrecreation-evidence-base-200322.pdf](#)

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex B.

	If you have any queries relating to the advice in this letter please contact the case officer Betsy Brown on Consultations@naturalengland.org.uk. For any new consultations or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.
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**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

Neighbour Consultations	Contributors	Neutral	Objections	Support
7	2	0	2	0

**Neighbour Responses**

Address	Comments
8 Tresco Road Berkhamsted Hertfordshire HP4 3JZ	<p>We vehemently object to the planning application for the proposed four-bedroom dwelling to be built to the west of No. 22 Verney Close, on several grounds that we believe significantly impact our property and quality of life.</p> <p><b>Loss of Light and Overshadowing</b> The elevation and size of the proposed dwelling will lead to a serious loss of light to our property. The overshadowing effect caused by the new building will diminish the natural light we currently enjoy, which is a crucial aspect of our living environment. This concern is not merely aesthetic; it affects our daily activities and overall well-being.</p> <p><b>Loss of Privacy</b> Furthermore, the new dwelling, if approved, would overlook our property, resulting in a significant loss of privacy. The proximity of the proposed building to our home raises concerns about direct sightlines into our living spaces, which is unacceptable. The potential for increased visibility into our garden and windows would fundamentally alter the nature of our home life.</p> <p>We urge the planning authority to take into account the detrimental effects this development would have on our property. We believe that the proposed dwelling does not respect the amenities of neighbouring properties and fails to meet the necessary planning standards regarding light and privacy.</p>

24 Verney Close Berkhamsted Hertfordshire HP4 3JS	I am concerned that the proposed development will be too high and big for the site. The second floor will overlook neighbouring gardens and block light. Parking is already at a premium in the cul-de-sac and the addition of a four bedroom dwelling will stretch parking provision too greatly.
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# Agenda Item 5e

ITEM NUMBER: 5e

24/01360/FHA	Proposed part two-storey rear extension; loft conversion; new front porch; new windows and doors and extended terrace.	
Site Address:	Angle Place Cottage, Montague Road, Berkhamsted, Hertfordshire, HP4 3DZ	
Applicant/Agent:	Mr & Mrs Rick and Vicky Bodhani	Mr Haakon Gittins
Case Officer:	Harry Coleman	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted East
Referral to Committee:	Berkhamsted Town Council voiced objections to the scheme on the basis that it results in over development and harm to residential amenity – particularly overlooking and privacy.  The view of the Town Council was contrary to the recommendation of the case officer.	

## 1. RECOMMENDATION

That planning permission be **GRANTED**.

## 2. SUMMARY

2.1 The positioning, scale, mass, bulk and design of the proposed elements would not result in development which harms the character and appearance of the site and street scene, nor would there be a significant impact to the setting of the adjacent heritage asset – the Berkhamsted Conservation Area.

2.2 The proposed terrace balcony would not detrimentally impact the privacy amenity of adjoining neighbours or development to the rear. Sufficient overlooking mitigation (1.80 metre screening) techniques have been employed and will be conditioned to minimise any potential impacts.

2.3 The height of the patio has been appropriately reduced, and moved away from the boundary with the easterly neighbour – Westgate, following neighbour concerns. Privacy amenity from this elements has been retained.

## 3. SITE DESCRIPTION

3.1 The application site comprises a two-storey detached dwellinghouse positioned on a generous plot with parking provision to the front and a moderate garden to the side and rear. The site is situated within an area characterised by residential development and is located on land which sits adjacent to the Berkhamsted Conservation Area, but is not a part of it.

## 4. PROPOSAL

4.1 Planning permission is sought for several key elements, those include; a single storey front extension and new porch with two storey dual pitched roof; fenestration alterations to the front façade; a part two and part single storey rear extension; a new terrace on the roof of the single

storey rear extension; a loft conversion including two dormers and a roof light; an extended and raised terrace outside the rear ground floor doors, and; the widening of the existing driveway.

## **5. PLANNING HISTORY**

Planning Applications (If Any):

22/00017/TPO - Tree works  
*GRANTED - 7th February 2022*

4/00014/04/FHA - Two storey side extension and loft conversion  
*GRANTED - 13th February 2004*

4/01019/01/FHA - Single storey side extension, conservatory, chimney and two rear dormers  
*GRANTED - 2nd August 2001*

4/01715/91/FHA - Single storey side & rear extensions  
*GRANTED - 24th February 1992*

Appeals (If Any):

## **6. CONSTRAINTS**

BCA Townscape Group

CIL Zone: CIL1

Conservation Area: BERKHAMSTED

Parish: Berkhamsted CP

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

RAF Halton and Chenies Zone: Green (15.2m)

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

Residential Character Area: BCA12

Parking Standards: New Zone 3

EA Source Protection Zone: 2

EA Source Protection Zone: 3

Town: Berkhamsted

Tree Preservation Order: 471, Details of Trees: T1 False Acacia

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

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

Relevant Policies:

### **Core Strategy**

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS27 – Quality of the Historic Environment  
CS29 - Sustainable Design and Construction

### **Local Plan**

Policy 120 – Development in Conservation Areas  
APPENDIX 3 – Layout and Design of Residential Areas  
APPENDIX 7 – Small Scale House Extensions

### **Supplementary Planning Documents/Guidance**

Area Based Policies - Residential Character Area – BCA12: Shootersway  
BRE - Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)  
Accessibility Zones for the Application of Car Parking Standards (2020)  
Planning Obligations (2011)

## **9. CONSIDERATIONS**

### **9.1 Main Issues**

9.1.1 The main issues to consider are:

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

### **9.2 Principle of Development**

9.2.1 The application site is located within the town of Berkhamsted, wherein in accordance with Policy CS4 of the Core Strategy (2013), the principle of residential development is appropriate and therefore acceptable subject to compliance with the relevant national and local policies.

### **9.3 Quality of Design and Impact on Character and Appearance of Area**

9.3.1 Saved Appendix 7 of the Dacorum Local Plan (2004); Policies CS11, CS12 of the Core Strategy (2013); and the NPPF (2023), all seek to ensure that any new development/alteration

respects or improves the character of the site and surrounding area in terms of scale, massing, materials, layout, bulk and height.

9.3.2 Policy CS27 of the Dacorum Core Strategy is an overarching policy which seeks to ensure that the quality of the historic environment is maintained. In particular, it states that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected conserved and, if appropriate, enhanced.

9.3.3 Policy 120 of the Local Plan (2004) sets out the requirements for development within conservation areas and also development outside of conservation areas which affect its character and setting. The proposal must therefore ensure that traditional materials and design details are utilised to compliment the established character of the area, as well as being of a scale and proportion which is sympathetic to the existing scale, form and height of the original dwelling.

9.3.4 This planning application seeks permission for several key elements to the front, rear and side elevations of the dwelling; an analysis of these components and their impacts, if any, on the character and appearance of the dwelling and surrounding area will be provided within this section.

9.3.5 Focusing firstly on the front façade, it is considered that the altered and new fenestration, and the single storey front extension and storm porch with two storey gable end roof form, are appropriate and acceptable with regard to their size, scale, mass, bulk and appearance. The design, size and positioning of the amended fenestration establishes a more symmetrical and uniform appearance and is regarded as an improvement over existing. The front extension and storm porch are not felt to adversely impact the character and appearance of the front façade; the adoption of the gable end and cat slide roof form is felt to harmonise with the character of the existing dwelling and other properties found in the Residential Character Area BCA12: Shootersway. Whilst these components would be marginally visible from the public realm, particularly as you walk along the public footpath forward of the dwelling, it is not considered that there would be adverse impacts to the visual amenity of the public due to the harmonious design and adoption of matching/similar materials as existing. It is important to note that amended plans were requested to omit the front facing roof lights as they were considered too large and visually distracting, particularly as they faced the Berkhamsted Conservation Area. The amended plans maintain the appearance of the front roof scape and there are no longer concerns relating to the impact on the designated heritage asset. Overall, there are no concerns over the impact of development positioned to the front of the dwelling on the character and appearance of the site and surroundings.

9.3.6 The works to the rear include: a single storey extension; a new terrace on the flat roof of the proposed single storey rear extension; a first floor dormer extension; a loft conversion including two dormers and a roof light, and; an extended and raised patio to the rear. The single storey rear extension is considered appropriate and acceptable by virtue of its size, scale, mass, bulk and appearance when compared to that of the existing dwelling. Additionally, the adopted external material, namely timber cladding, is not felt to detract from the character of the rear façade. Moreover, the altered and new fenestration at ground and first floor level are considered appropriate in their scale, size, positioning, and material. Crucially, while the ground floor fenestration is larger than that of the existing, it would not be visible from the public realm and would therefore have limited impact on the character of the site. The proposed first floor terrace over the single storey rear extension is concluded as not having adverse impacts on the character and appearance of the application dwelling due to its relatively-small size and scale and subsequent minimal visibility. The first floor gable end dormer extension is considered to respect the character of the existing front and rear dormer through the adoption of a steep dual-pitched roof form and additional architectural

detailing – timber panelling. Additionally, the window on this dormer respects the adjacent window in terms of size, scale, and positioning, and is therefore a suitable addition.

9.3.7 The loft conversion, including the two box dormers and a roof light, is considered appropriate in this instance. It is noted that the dormers appear relatively large in terms of height and width, however, it is acknowledged that they are set in from the ridge, eaves and edge and can therefore be considered subordinate additions despite their large overall size. Additionally, it is felt that the dormers are appropriate given the size of the existing roof space and they would not appear unduly prominent due to the matching tile-hung finish which ensures that they appear similar to the main roof scape. Moreover, the fenestration adopted on the dormers is small, respects the existing first floor fenestration, and does not overly dominate the rear elevation of the dormers. The dormers will support the installation of photovoltaics on their roof, which protrude marginally higher – 0.07 meters, than the main ridge. Despite the height exceeding the ridge, the impact on character is felt to be nil due to being non-visible and the benefit of sustainable design and carbon emission reductions are considered to outweigh the very minimal increase in height above the ridge. The rear facing roof light is minor in scale and therefore acceptable in this case. Overall, there are no concerns over the impact of development to the rear on the character and appearance of the site and adjacent neighbours.

9.3.8 It is important to note that there are alterations and amendments to the existing ground floor fenestration on both side-facing elevations. On the south-west elevation, the two existing windows are to have their cills lowered which would not drastically harm the appearance of this façade. Similarly, the repositioning of the north-east facing side door is appropriate and acceptable and can be done through the exercise of Class A Permitted Development rights.

9.3.9 The proposed materials have been considered and their impact on the setting of the adjacent conservation area assessed. From this, the case officer affirms that there would be no detrimental impact to the adjacent heritage asset and the materials, overall, are concluded as respecting the existing dwelling whilst also improving the overall aesthetic. Architectural design themes and details seen on the existing dwelling have been adopted on the proposed elements which further ensures limited harm to the character and appearance of the site despite the changes and upgrades. It is also crucial to note that no identified harm to the character and setting of the Conservation Area has been identified within the case officer's assessment.

9.3.10 During the site visit and subsequent analysis of the submitted plans, it was found that the rear and side facing elements proposed as part of this application would not be readily visible from the public realm and would therefore have no impact on the visual amenity of the public. Despite this, even if the applied for works were visible it is felt that the adoption of sensitive design and matching/similar materials ensures that the development would respect and harmonise with the existing character of the site and not detract from its appearance.

9.3.11 As such, the application is considered to adhere to Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013); Saved Policy 120 and Appendix 7 of the Dacorum Borough Local Plan (2004); and the Area Based Policies SPG (2004).

#### **9.4 Impact on Residential Amenity**

9.4.1 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004), and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed

should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

#### *Light Loss and Visual Intrusion*

9.4.2 In this instance, there was no requirement for the applicant to submit a 45 or 25 Degree Line Test as supporting evidence for this application with regard to the impact of development on light loss and visual intrusion of the adjacent neighbours. There are contextual factors that negate the need for either test. Of relevance is the staggered and informal layout of the site in relation to adjoining dwellings, and their differing orientations and positioning. It is such that the proposed single storey rear extension and first floor dormer extension would not be visually intrusive to the southerly neighbour – Riiskov, because the existing dwelling breaches the 25 Degree Line Test meaning there would be no net increase in visual intrusion harm. On the other hand there is no new development proposed to the east of the dwelling, adjacent to Westgate, which would impact upon their visual amenity.

9.4.3 Moreover, there are no adjacent habitable room windows of either neighbour which would experience a loss of light as a result of the proposed development works. In terms of the single storey rear extension, considering; the staggered and informal build line, the size and scale of the extension, and its siting and positioning away from the neighbours, ensures that there would be no loss of light stemming from its construction. Overall, there are no concerns with regard to light loss and visual intrusion as a result of the proposed works.

#### *Privacy Loss*

9.4.4 Following analysis of all submitted plans and documents, in conjunction with the site visit, it was acknowledged that increased views/overlooking could be established from the introduction of a terrace balcony atop the single storey rear extension and the dormer windows. The impact of these elements, in terms of residential amenity, shall be discussed within the following four paragraphs of this section of the report.

9.4.5 Firstly, it is important to note that amended plans were submitted by the agent for this application following comments received from the initial neighbour consultation relating to overlooking/privacy stemming from the terrace balcony and the case officers concerns over its general size and scale. The amendment included reducing the depth of the terrace by 1.65 metres to be in line with the eaves of the easterly cat slide extension. From this, it is considered that the existing first floor dormer in combination with the slope of the cat slide roof would act to shield/skew the view of the north-westerly neighbour – Westgate, and its private amenity space from the south-easterly corner of the proposed terrace balcony. Moreover, it is noted that the terrace balcony is positioned centrally and is set in by (approximately) 4.80 metres and 6.80 metres from the boundary with the easterly and westerly neighbour, respectively. Therefore, it can be said that the design of the terrace is such that limited overlooking of immediate garden amenity space of the adjacent neighbours would arise as a result of the separation distance between the terrace and their boundaries. As such, it is considered that there would be no detrimental overlooking of the first, or ground floor habitable rooms at Westgate. This is further emphasised by the fact that even if the first floor windows could be visible, the angle of sight is so oblique that the expected loss of privacy would be considerably less than substantial. Despite the case officer's thorough review and subsequent conclusion drawn above - that any overlooking there would be would be considerably less than substantial – it is difficult to have absolute certainty that there would be no harm without standing on the terrace and assessing it first-hand. Therefore, it is considered reasonable, necessary and relevant to impose a condition requiring a minimum of 1.8 meters of obscure glazed balustrade/privacy screening (measured from the floor level, which is hidden behind the parapet wall of the ground floor extension) be installed prior to the first use of the balcony and retained thereafter

to mitigate any potential consequences related to the loss of privacy for the neighbouring residents. The case officer has therefore considered the neighbour concerns and the condition is felt to confidently mitigate potential privacy loss.

9.4.6 The positioning and orientation of the site and adjacent dwellings is such that views could be afforded toward their garden amenity spaces from the terrace balcony. However, it is acknowledged that due to the topography of the site and immediate surrounding area, and the informal layout of dwellings, that there is already some level of mutual overlooking of gardens from first floor windows and this is not expected to be drastically different from the existing situation. The potential issues relating to privacy – potential referring to the level of uncertainty without assessing overlooking first hand from a completed terrace - are confirmed to be mitigated by the condition and the appropriate positioning of the terrace balcony centrally. It is also key to note that Riiskov has an existing single storey rear extension which further limits the overlooking potential from the terrace. The case officers analysis of the submitted plans concluded that the impact on privacy would be less than substantial such that refusal is not warranted in this instance.

9.4.7 It is acknowledged that increased views of neighbouring gardens could be afforded from the proposed second floor dormer windows. In order to consider the south-westerly neighbours objection to the dormers, specifically the comment relating to overlooking, it is necessary to analyse the potential impacts on residential amenity. The proposed dormer fenestration is not considered to be overly large in terms of scale and they do not dominate their rear elevations such that detrimental privacy loss would occur. It is recognised that there are other examples of dormer windows seen within the surrounding area which have fenestration similar in size to the proposed, therefore, it is not expected that the impact on privacy would be detrimental.

9.4.8 As part of Westgate's objection response to the neighbour consultation, they outlined that privacy loss would arise from the repositioning of the easterly side elevation door. The repositioning includes changing from a solid timber door to an obscure glazed one, as shown on plan (1064-P06 rB). To maintain the existing privacy that Westgate has, it is necessary, reasonable and relevant to this case to impose a condition requiring the door to be obscure glazed and retained thereafter.

#### *Separation Distance and Garden Space*

9.4.9 The remaining separation distance between the rear elevation of the ground floor extension and the closest residential dwelling to the rear – Lilliput, Doctors Commons Road, would be (approximately) 65 meters which is more than sufficient to conclude that there would be no harmful impact on separation distance or privacy loss as a result of the proposed development. It is also confirmed that the application site consists of a generous plot, and consequently, there would be no adverse impact on the retention of garden space for the application site.

9.4.10 The application is therefore in accordance with Saved Appendix 3 of the Local Plan (2004); Policy CS12 of the Core Strategy (2006-2031), and; the NPPF (2023).

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

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

9.5.2 In this instance, the proposed development would not have an impact on net parking requirements as no additional bedrooms would be added to the property. Similarly, there would be no alterations to the public highway as a result of the construction works.

9.5.3 It is important to note that the proposed front extension and storm porch do protrude into space currently used for the parking of vehicles. An analysis of the submitted site and floor plans revealed that the existing hedge, adjacent to the front boundary, is to be trimmed back to allow the widening of the driveway. As such, the amendments to the driveway are recognised as providing additional space for vehicles. However, it is of the view of the case officer that even if the driveway was not widened, there is a sufficient area of hardstanding to facilitate the parking of three vehicles - as required for a four bedroom property in accessibility zone three under the Parking Standards SPD (2020). As such, the site is considered to have sufficient off-street parking facilities in association with the demands of the proposed development.

9.5.4 The application is therefore in accordance with Policy CS8 and CS12 of the Core Strategy (2006-2031) and the Parking Standards SPD (2020).

### **Other Material Planning Considerations**

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

9.7.1 Section 6 of the application form states that there are trees or hedges within falling distance of the proposed development. The site plan (1064-P01-rC) shows the position of these trees along, and within, the curtilage boundary. The north-easterly tree is identified as TPO471 – T1: False Acacia whilst the other is not recognised as a protected tree. Following an informal discussion with our internal Trees and Woodlands Officer (DBC), it is concluded that the works to widen the driveway are minimal and do not involve changing the material of the driveway or extensive ground works such that there would be a detrimental impact to the protected tree. Additionally, the works relating to the proposed front extension are not considered to harm or weaken the two identified trees due to the distance from them, subsequently; a Tree Management Plan is not required in this instance.

#### **9.8 Response to Neighbour Comments**

9.8.1 The concerns and objections submitted by the neighbours have been addressed above other than Westgate's comment regarding the extended and raised terrace to the rear and subsequent privacy consequences. The agent submitted an amended proposed block plan and rear elevation plan which lowered the terrace by one step (on the east side) and moved it away from the boundary with Westgate by (approximately) 5.10 meters. Included within this amendment is the repositioning of the east side of the terrace from directly adjacent to the boundary, to be in line with the side elevation of the dwelling (approximately 1.15 meters from the boundary). As such, it is not considered that the level of overlooking demonstrated on Figure 1A submitted by the occupant of Westgate would be achieved. The height of the boundary fence, measured from the closest first step of the terrace, would be (approximately) 1.95 meters – a height which is more than sufficient to protect the privacy amenity of this neighbour.

### **10. CONCLUSION**

10.1 To conclude, it is not considered that this proposal would result in adverse impacts on the character and appearance of the site and street scene, nor would it impact the setting of the adjacent designated heritage asset – the Berkhamsted Conservation Area. The residential amenities of the adjoining neighbours, and residential development to the front and rear, have been considered within this assessment and it is concluded that there would be no detrimental harm to them such that a refusal would be warranted in this instance. Additionally, this report has demonstrated that there is sufficient parking provision to facilitate the development and there would be no changes of access or

alterations to the highway as a result. Overall, the elements proposed under this application are considered appropriate and acceptable in this location and would not cause harm to character, residential amenity or highway safety and car parking.

## 11. RECOMMENDATION

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

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

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

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

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

#### **Site Location Plan**

**Amended Existing and Proposed Roof-Site Plan - 1064-P01 RC**

**Amended Proposed Plans - 1064-P03 RB**

**Amended Existing and Proposed Front Elevation - 1064-P04 RA**

**Amended Existing and Proposed Rear Elevation - 1064-P05 RB**

**Amended Existing and Proposed Side Elevations - 1064-P06 RB**

**Planning Design and Access Statement - 1064-PS01 rev0**

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

3. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. **The repositioned door at ground floor level in the east-side elevation of the existing dwelling hereby permitted shall be permanently fitted with obscured glass with a minimum of privacy level three.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 135 (f) of the National Planning Policy Framework (December 2023).

5. **Prior to the first use of the terrace balcony over the new single storey rear extension hereby approved, a minimum of 1.80 metre obscure glazed balustrade shall be permanently installed on the north-east and south-west sides of the terrace balcony and retained thereafter.**

Reason: To accord with the approved plans and in the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 of the Dacorum

**Informatives:**

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

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Conservation & Design (DBC)	<p>Angle Place Cottage is a modern detached house set back from Montague Road and accessed off an untarmacked lane. The Berkhamsted Conservation Area runs both in front of the house and to the rear, although it is not actually situated within it, the house therefore contributes to its setting. There are no listed or locally listed buildings nearby.</p> <p>The proposal seeks to build a large glazed porch to the front, build a two storey rear extension with a built up terraced area and roof terrace, convert the loft and replace the windows and doors.</p> <p>The front elevation will be transformed by the new porch. This aspect of the proposal is not considered to impact the conservation area. The rooflights are on the front roof slope facing the conservation area boundary, they are large and break up the roof slope and are considered visually distracting, they should be removed. This would not affect the applicant's permitted development rights.</p> <p>To the rear the ground floor extension is in a modern idiom and would not be seen from the wider conservation area. Where there is concern is with the form of the dormers, these are a tile hung box type dormer which are mostly solid wall. Although not visible from the public realm they would be visible from the gardens of the houses on Doctor's Common Road which are part of the conservation area. They are quite bulky and top heavy and the right hand dormer appears to collide with the pitched roof of the first floor extension. It is suggested that they are amended to pitch roof dormers similar to the first floor extension and dormer of the rear cat slide.</p> <p>The neighbour's comments about overlooking are noted and would be a planning issue.</p>

	Recommendation: Amendments required in order to preserve the setting of the conservation area.
Berkhamsted Town Council	<p>RE-CONSULTATION - Objection</p> <p>The committee noted the neighbours' comments regarding overlooking the loss of amenity.</p> <p>There has been no material change to the application.</p> <p>The proposed use of a flat roof as a balcony results in a loss of amenity to the immediate neighbour to the rear and side. CS12, BCA12</p>
Berkhamsted Town Council	<p>ORIGINAL CONSULTATION - Objection</p> <p>The committee noted the strong objection from the immediate neighbour regarding overlooking to the east and loss of amenity.</p> <p>The proposed use of a flat roof as a balcony results in a loss of amenity to the immediate neighbour to the East. CS12, BCA12</p>
BCA Townscape Group	No comment

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	2	0	2	0

### Neighbour Responses

Address	Comments
Westgate Montague Road Berkhamsted Hertfordshire HP4 3DZ	<p>RE-CONSULTATION</p> <p>As the direct neighbour of Angle Place Cottage we wish to register our concerns regarding the proposed development 24/01360/FHA. Our house, Westgate, is the immediate neighbour to the east of Angle Place Cottage, on the downhill side. The application has been revised following earlier comments by neighbours and interested parties. On the whole, we do not object to the bulk of our neighbours' proposals, with regards footprint, massing, dormers etc. However, we understand that we need to restate points we still have concerns with, as our comments relating to the earlier set of plans will no longer be relevant in</p>

their entirety.

We are pleased that two aspects of the proposal have been revised.

(1) The new garden terrace on the east side has been lowered by one step and moved away from our boundary. The original plans reduced the 6 foot fence between our properties to a de facto 3 foot fence (marked X). The new terrace reduces the overlooking, though the blue figure on our plans shows that the privacy afforded by our boundary fence is still considerably reduced.

(2) The glazing in the formerly unglazed east face of Angle Place Cottage. The window in the first draft of the application has been removed, which we appreciate. The current solid utility room door, which is moving closer to our patio, has been replaced with a glazed door. This would cause overlooking of our property and loss of privacy, if clear glazed, but it has now been marked as obscured glass, which we also appreciate. The East side of Angle Place Cottage is an extension built in two stages between 2001 and 2004. The space between the two houses is consequently less than two metres at the closest point (marked W). This is not typical of the area. Dacorum's own Character Appraisal for our area, BCA12: Shootersway, states 'wide spacing (5m to 10m) will normally be required.' When the extension was built the implications on privacy from any glazing in the east face of the extension were strongly recognised by the Dacorum planning department. The application in 2001, 4/01019/01/FHA, for a single storey conservatory, was only granted with the following condition - '3.

*The windows at ground floor level of the eastern elevation.....shall be permanently fitted with obscured glass.*

*Reason: in the interests of the residential amenities of the occupants of the adjacent dwelling'.*

We therefore would hope that any planning decision stipulates that this glazed utility room door remain permanently obscured, in line with the earlier decision when the extension was originally built.

There is, however, one aspect of the plans that has not materially changed, that we object strongly to, namely a new roof terrace planned atop the proposed extension.

Though it has been reduced slightly in size in the new plans, the alteration has not materially changed any of the privacy issues. Due to the natural fall-off of the land this would still completely overlook our garden, patio area and indeed enable people on the roof terrace to stare straight into our habitable spaces.

The plans submitted in the application do not give a true picture of the overlooking issues. So to illustrate our concerns we have drawn up the plans we have submitted with these comments, superimposed over the application plans, along with a photo to show the full relationship between our house and Angle Place Cottage.

Figure 1 (amended) is a rear elevation showing the fall-off of the land and proposed sight lines. As you can see, our house is lower than Angle Place Cottage. The submitted plan has placed a figure for a sight line demonstration on the uphill side, but not on our side, the downhill side. To help visualise this, the attached plans show two figures to

scale (in red), standing on our patio and on the proposed new roof terrace. It can be seen that the proposed one storey extension has the impact of a much taller structure to someone standing on the downhill side. A figure positioned on our 6ft fence has a completely uninterrupted view of the proposed roof terrace. Worse still, a figure standing on the roof terrace has a direct sight-line over our fence, across our whole garden and into our habitable rooms.

With the land fall-off, as well as the high internal ceiling of the ground floor extension, the proposed one storey has the impact of a one and a half storey building from our perspective and is very destructive of privacy. The adopted Dacorum Core Strategy states as policy CS12 (c) that development should 'avoid visual intrusion,....loss of privacy and disturbance to the surrounding properties'.

Figure 2 (amended) shows a plan of the relationship between the two houses. 'The Planning Statement', that comes with the proposed plan, says that 'the rear extension at ground floor is deliberately less deep than the neighbouring house' (Massing section). This may be true for Riiskov, the house on the uphill side, but the block plan of the site shows how untrue it is for our house. Angle Place Cottage is set well to the rear of Westgate and the proposed extension will set it even further back relative to us. As a result, a roof terrace would, given the slope of the east roof of Angle Place, be able to look directly over the entirety of our garden and directly into our rear windows on both floors. To demonstrate just how imposing it will be from our patio and garden we have mocked up an image to show the massing of the balcony from our point of view ( photo 1 amended).

The Planning Statement that accompanies the application states that 'the garden has significant mature planting and fences that....will continue to shield each neighbour....and will therefore remain private' (Privacy section). As you can see from photo 1 (amended), this is just not true on the boundary between our two houses. The boundary between Westgate and Angle Place consists of nothing but shrubs and two dwarf cherry trees offering little privacy. We would strongly welcome a site visit from Planning, as it is difficult to state just how all-encompassing the overlooking from a balcony terrace would be.

Quite apart from overlooking and loss of privacy, the proposed balcony is also out of keeping with the surrounding area. As far as we are aware, no house on the entire southern section of Montague Road, from 4, Ilex Court to number 31 Montague Road, has a rear facing roof terrace. In the 14 years we have lived at Westgate, four single storey extensions have been granted planning on this section of road; at 31 Montague Road (21/01809/FHA), 4 Ilex Court (24/00387/FHA), Riiskov (4/03952/15/FHA) and Westgate (4/01455/11/FHA). Not one of these plans asked for a roof terrace on their flat roofs, realising how detrimental it would be to their neighbours' privacy. Both neighbouring houses of Angle Place Cottage, Westgate and Riiskov, have built extensions with rear facing flat roofs. Neither house has placed balconies on them because, as the applicant's own planning statement paradoxically states, 'the gardens currently have considerable privacy' (Settings section). That privacy would be instantly lost if the houses had balconies.

The planned balcony terrace seems entirely counter to the spirit of

	<p>Policy CS12 (g) 1, that development should 'respect adjoining properties in terms of layout....and amenity space'. In principle, we do not have any issue with the vast bulk of the proposals and we wish our neighbours very well with their endeavours. However, as the plans currently stand, we have no alternative but to voice our objections, in order to preserve the existing privacy levels between our houses. To sum up, we want to use some of the application's own 'Planning Statement' on our behalf –</p> <p>The balcony/ roof terrace is not 'small' and it will hugely impact the privacy of our garden, our patio and our living spaces. It is out of character with the surrounding area. We do not accept that it is 'only intended to provide some outdoor space' in a property that already has a very large, beautiful and south facing garden. And the statement that 'the garden has significant mature planting that....will continue to shield each neighbour' is demonstrably false. We would strongly welcome a planning visit to observe this from our garden. We hope any visitor would agree to uphold the privacy concerns that Dacorum planners voiced back in 2001, when they restricted a previous Angle Place Cottage extension, 4/01019/01/FHA , 'Reason: in the interests of the residential amenities of the occupants of the adjacent dwelling'.</p>
<p>Westgate Montague Road Berkhamsted Hertfordshire HP4 3DZ</p>	<p>ORIGINAL CONSULTATION</p> <p>As the direct neighbour of Angle Place Cottage we wish to register our concerns regarding the proposed development 24/01360/FHA. Our house, Westgate, is the immediate neighbour to the east of Angle Place Cottage, on the downhill side. Three aspects of the proposal concern us, all associated with overlooking of our property and loss of privacy. Our concerns are –</p> <p>(1) A new roof terrace planned atop the proposed extension. Due to the natural fall-off of the land this would completely overlook our garden, patio area and indeed enable people on the roof terrace to stare straight into habitable rooms.</p> <p>(2) Considerable raising of the ground level for a new garden terrace. On the whole that is fine, but on the east side it would reduce the 6 foot fence between our properties to a de facto 3 foot fence.</p> <p>(3) A new window and glazed door in the formerly blank east face of Angle Place Cottage. This wall is just 2 metres from our house and will enable people to see straight into habitable rooms and over our garden fence. This wall has been subject to previous planning controls for this very reason.</p> <p>The plans submitted in the application do not give a true picture of the overlooking issues. We have had plans drawn up which show the full relationship between our house and Angle Place Cottage and the implications of the proposed works on our privacy. There seems no way to add these to the planning portal, but we would very much like to share them with Planning. If that is not possible, we would strongly like to request a site visit to our property where the implications would become clear. In the meantime, we will try to explain the problem using the submitted plans.</p> <p>Starting with the proposed rear elevation (plan marked 1064-P05r0). Our roofline on the right/ East side shows how significant the fall-off of</p>

the land is and how much lower Westgate sits compared to Angle Place Cottage. The roof of the proposed ground floor extension will be higher than our first floor window sills.

The plans have a figure on the left hand side boundary, to show proposed sight-lines to the balcony. However, no figure is shown on our boundary, on the more adversely impacted, downhill side. A figure positioned on our 6ft fence would have a completely uninterrupted view of the proposed roof terrace. Worse still, if a figure were placed standing on the roof terrace, there would be direct sight-lines over our fence, across our whole garden and into our habitable rooms. With the land fall-off, as well as the high internal ceiling of the ground floor extension, the proposed one storey has the impact of a one and a half storey building from our perspective and is very destructive of privacy. The adopted Dacorum Core Strategy states as policy CS12 (c) that development should 'avoid visual intrusion, ...loss of privacy and disturbance to the surrounding properties'.

The rear elevation plans also show our second concern; raising the ground level across the entire rear of the house, to produce a new garden terrace. On our boundary this will result in a ground level raise of nearly a metre. Had the architect put a reference figure on the right edge of the proposed garden terrace, it would show how the current six foot boundary fence would become a de facto three foot fence from their side. Our outdoor seating space and our living room, kitchen and dining room will all become totally overlooked, with anyone on that terrace standing head and shoulders above our fence. Dacorum's Supplementary Planning Guidance on Development in Residential Areas states, at 2.5.5 under Privacy, that 'satisfactory levels of privacy between dwellings should be maintained and protected' and we do not see this is in compliance.

Our third issue can also be seen on the rear elevation. The right hand side of Angle Place Cottage, that has the triangular dormer, is an extension, built in two stages between 2001 and 2004. That extension brought the space between the two houses down to less than two metres at the closest point. This is much closer than the distance to the neighbour on the left and it is not typical of the area. Dacorum's own Character Appraisal for our area, BCA12: Shootersway, states 'wide spacing (5m to 10m) will normally be required.'

At the time, the implications of privacy from any windows in the east face was strongly recognised by the Dacorum planning department. The application in 2001, 4/01019/01/FHA, for a single storey conservatory, was only granted with the following condition - '3. The windows at ground floor level of the eastern elevation.....shall be permanently fitted with obscured glass. Reason: in the interests of the residential amenities of the occupants of the adjacent dwelling'. In 2004 the application 4/00014/04/FHA, for a replacement two storey brick structure, was only granted with no east facing windows or glazing.

The submitted new side elevation plans ( plan marked 1064-P06r0) show two proposed glazed openings ( a door and a window) on the currently non-glazed east wall. These elevations are highly misleading, as they do not contain the customary indication of the current boundary fence height. A fence line, six foot from the current ground level, leaves the proposed new window way above the fence. The current utility room door is already well above the fence, but as the door is solid it is

not a serious issue. But the new plans show a glazed door that is also moving along the wall with an attendant rise in the ground level. The top half of this new door would then be well above the fence level. It is also worth pointing out that the plans are not clear at all about how the ground level of the side passage will join the new raised terrace at the rear; we fear the intention is to raise the ground level of the whole side passage. Three steps that have moved on the side passage in the elevation have not moved in the plan view, which is surely an error? The window is particularly intrusive, being only 2 metres from our boundary. The room is listed as a 'playroom' and we are concerned that an opening window would lead to the channeling of TV noise etc into our private terrace and rear rooms.

The new glazing would also impact the window of a first floor habitable bedroom on the west side of our house. The submitted plans do not show this impact; our daughter's bedroom window would be less than 5 metres from the first of these glazed openings in a direct line of sight; the Government's Better Places to Live Guide (2002) suggested a distance of 21m from new windows to existing habitable room windows. Policy CS12 (c), that development should 'avoid loss of privacy', must surely apply in this instance. We cannot see how a wall, made windowless in 2004 for privacy reasons, should now have windows. Nor do we see the need for our existing privacy to be so compromised by a window, just to add light to a room that already has a whole, south facing wall of floor-to-ceiling glazing.

The elevation also shows how far the proposed new extension extends beyond the existing rear of the house.

'The Planning Statement', which comes with the proposed plan, says that 'the rear extension at ground floor is deliberately less deep than the neighbouring house' (Massing section). This may be true for the house on the uphill side, but the block plan of the site (plan marked 1064-P01r0) shows how untrue it is for our house. Angle Place Cottage is set well to the rear of Westgate and the proposed extension will set it even further back relative to us. As a result, a roof terrace would, given the slope of the east roof of Angle Place, be able to look directly over the entirety of our garden and directly into our rear windows on both floors. The Planning Statement that accompanies the application also states that 'the garden has significant mature planting and fences that....will continue to shield each neighbour....and will therefore remain private' (Privacy section). This is just not true on the boundary between our two houses. The boundary between Westgate and Angle Place consists of nothing but shrubs and two dwarf cherry trees offering little privacy. We would strongly welcome a site visit from Planning, for it is difficult to state just how all-encompassing the overlooking from a balcony terrace would be.

Quite apart from overlooking and loss of privacy, the proposed balcony is also out of keeping with the surrounding area. As far as we are aware, no house on the entire southern section of Montague Road, from 4, Ilex Court to number 31 Montague Road, has a rear facing roof terrace. In the 14 years we have lived at Westgate, four single storey extensions have been granted planning on this section of road; at 31 Montague Road (21/01809/FHA), 4 Ilex Court (24/00387/FHA), Riiskov (4/03952/15/FHA) and Westgate (4/01455/11/FHA). Not one of these plans asked for a roof terrace on their flat roofs, realising how

	<p>detrimental it would be to their neighbours' privacy. Both neighbouring houses of Angle Place Cottage, Westgate and Riiskov, have built extensions with rear facing flat roofs. Neither house has placed balconies on them because, as the applicant's own planning statement paradoxically states, 'the gardens currently have considerable privacy' (Settings section). That privacy would be instantly lost if the houses had balconies.</p> <p>The planned balcony terrace seems entirely counter to the spirit of Policy CS12 (g) 1, that development should 'respect adjoining properties in terms of layout....and amenity space'.</p> <p>In principle, we do not have any issue with the vast bulk of the proposals and we wish our neighbours very well with their endeavours. There are things that could be done to remove our concerns. An easy example would be a stepped down lower section to the garden terrace on the east side, in order to maintain the 6 foot height of the fence. The original extension to Angle Place, in 2004, stepped down to achieve 'subservience' and that would surely be easy to mimic in the terracing. However, as the plans currently stand, we have no alternative but to voice our objections, in order to preserve the existing privacy levels between our houses.</p> <p>To sum up, we want to use some of the application's own 'Planning Statement' on our behalf –</p> <p>With regards the addition of a window and glazed door into the east face, less than 2 metres from our house, it does not seem to 'respect the existing spaces between the neighbouring properties', nor to respect previous planning decisions.</p> <p>With regards the raising of the land for the garden terrace on the eastern boundary, it does not 'follow the natural topography of the site', resulting in an extreme loss of privacy.</p> <p>Lastly, the balcony/ roof terrace is not 'small' and it will hugely impact the privacy of our garden, our patio and our living spaces. It is out of character with the surrounding area. We do not accept that it is 'only intended to provide some outdoor space' in a property that already has a very large, beautiful and south facing garden. And the statement that 'the garden has significant mature planting that....will continue to shield each neighbour' is demonstrably false. We would welcome a planning visit to observe this from our garden. We hope any visitor would agree to uphold the privacy concerns that Dacorum planners voiced back in 2001, when they restricted a previous Angle Place Cottage extension, 4/01019/01/FHA , 'Reason: in the interests of the residential amenities of the occupants of the adjacent dwelling'.</p>
<p>Riiskov Montague Road Berkhamsted Hertfordshire HP4 3DZ</p>	<p>RE-CONSULTATION</p> <p>We are the direct neighbour to the right of Angle Place Cottage.</p> <p>We note the amended plans, and the reduction in the size of the balcony, but our previous comments (submitted on 9th July 2024) still stand:-</p> <p>Loft conversion rear dormers - too large and disproportionate to the rest</p>

	<p>of the roof, and out of character with the property (and surrounding properties). They would look out over our rear garden, especially our primary outdoor spaces, which are not overlooked at present.</p> <p>Although we accept we are in a residential area, our property is a bungalow and adding a further floor would impact detrimentally on our privacy, beyond which already exists. If accepted, the dormers should be substantially reduced - subordinate to main roof and ridge height and windows reduced to minimise overlooking.</p> <p>Balcony - we appreciate that this has been reduced in depth, but will still overlook our garden. Our previous comments regarding the setting and privacy/overlooking still stand.</p>
<p>Riiskov Montague Road Berkhamsted Hertfordshire HP4 3DZ</p>	<p>ORIGINAL CONSULTATION</p> <p>We are the direct neighbour to the right of Angle Place cottage and have concerns with certain aspects of the submitted plans.</p> <p>Loft conversion rear dormers The dormers are too large and disproportionate to the rest of the roof, and are out of character with the property (and surrounding properties). They would look out over our rear garden, especially our primary outdoor spaces, which are not overlooked at present. Although we accept that we are in a residential location, our property is a bungalow and adding a further floor would impact detrimentally on our privacy, beyond which already exists. If the dormers are accepted they should be reduced substantially - they should be subordinate to main roof and ridge height, and windows reduced to minimise overlooking of our garden.</p> <p>Balcony above rear single storey extension This is also too large and will overlook our garden, especially considering during the Winter and Spring months, the beech hedge that separates our gardens (which was planted by the previous owners of Angle Place Cottage), has no foliage on it. It is unacceptable to have an area where a neighbour this close could look down into a rear garden from the first floor.</p> <p>Furthermore we would disagree with the following comments on the Planning Statement, which accompanies the plans:-</p> <p>Setting States 'gardens are generous in size... providing considerable privacy' - our privacy would be drastically reduced if the rear loft dormers were approved.</p> <p>Style States 'a small roof terrace...' - the roof terrace is not small.</p> <p>Privacy/overlooking States that the roof dormers '...won't create any unusual overlooking...' the roof dormers are very imposing and will overlook our primary outdoor spaces and much of the rest of our garden. Also states that 'the garden has significant mature planting and fences that already and continue to shield each neighbour...' - as already mentioned the beech</p>

	<p>hedging that separates our gardens has no foliage for around 6 months of the year. This comment is therefore false.</p>
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	<p>We would welcome a planning visit to observe our points of concern.</p>
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**ITEM NUMBER: 5f**

<b>24/01797/FHA</b>	<b>Single storey rear extension</b>	
<b>Site Address:</b>	<b>24 Merling Croft, Northchurch, Berkhamsted, Hertfordshire, HP4 3XB</b>	
<b>Applicant/Agent:</b>	<b>Mr Tim Marchant</b>	<b>Mr James Doherty</b>
<b>Case Officer:</b>	<b>Jane Miller</b>	
<b>Parish/Ward:</b>	<b>Northchurch Parish Council</b>	<b>Northchurch</b>
<b>Referral to Committee:</b>	<b>Contrary views of Northchurch Parish Council</b>	

**1 RECOMMENDATION**

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

**2. SUMMARY**

- 2.1 The application site is located within Northchurch wherein the proposed development is acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013).
- 2.2 The overall size, scale and design of the extension is acceptable, relates well to the parent dwelling, and would not result in any harm to the character or appearance of the street scene/area. Whilst visible, the rear extension is not considered to have any significant adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a loss of light or privacy when compared to a permitted development extension which can be built without formal planning permission.
- 2.3 Furthermore, it is not considered that the scheme would have an adverse impact on the road network or create the significant parking stress.
- 2.4 Given all of the above, the proposal complies with the National Planning Policy Framework (2023), Policies CS1, CS4, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

**3. SITE DESCRIPTION**

- 3.1 The application site is located on the west side of Merling Croft partly facing an area of amenity land within a residential area of Northchurch. The site comprises a modern two storey attached dwelling.
- 3.2 The immediate character area comprises similarly designed dwellinghouses of relatively identical build, age, height and size; the overall character of the area is evident.

**4. PROPOSAL**

- 4.1 This application seeks permission for a single storey rear extension.

Background

- 4.2 The application site forms part of the larger development approved under planning reference 4/01227/81.

4.3 The planning officer has carried out a site history search and according to the available DBC records the site retains permitted development rights relating to Class A (enlargement, improvement or other alterations of a dwellinghouse) of Part 1 of the Schedule 2 of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) (GDPO). As such a single storey rear extension could be constructed on this site without formal planning permission if the scheme was carried out within the limits set by the GDPO.

## 5. PLANNING HISTORY

Planning Applications (If Any):

23/02053/FHA - Demolition of conservatory. Single storey rear extension including loft conversion and dormer to rear.

WDN - 20th October 2023

24/01796/LDP - Roof extension

PCO -

Appeals (If Any):

## 6. CONSTRAINTS

BCA Townscape Group

CIL Zone: CIL1

Parish: Northchurch CP

RAF Halton and Chenies Zone: Yellow (45.7m)

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

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

Residential Character Area: BCA20

Parking Standards: New Zone 3

Town: Berkhamsted

## 7. REPRESENTATIONS

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## 8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (December 2023)

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

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

Relevant Policies

Dacorum Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction

Dacorum Local Plan

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

Supplementary Planning Guidance/Documents:

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)  
Parking SPD (November 2020)

## **9. CONSIDERATIONS**

Main Issues

9.1 The main issues to consider are:

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

### Principle of Development

9.2 The application site is located within a residential area, wherein in accordance with Policy CS4 of the Core Strategy (2013) the principle of residential development is acceptable subject to compliance with the relevant national and local policies.

### Quality of Design / Impact on Visual Amenity

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

9.4 The proposal would result in single storey rear extension under a part mono-pitch part dual pitched roof with roof lights over. The approximate dimensions are 3.30m in depth with a height of 3.34m, (2.50m to the eaves). Given its size, it is considered that the proposal does not appear unduly dominant in terms of bulk, scale and height to the parent building.

- 9.5 Due to its positioning at the rear of dwelling, the extension will not be visible from the front of the property and whilst it may be seen across rear gardens above the existing boundary treatment from the south (towards the end of Merlin Croft) the extension would not appear unduly dominate on the street scene.
- 9.6 Further, sympathetic external materials to match the existing dwelling will be used.
- 9.7 Therefore it is considered that the proposal would be sympathetic and in keeping with the surrounding area, respect the parent dwelling and adjoining properties, and would therefore result in no significant adverse effects on the character and appearance of the streetscene in terms of visual amenity. This accords with the local and national policies mentioned above.

#### Impact on Residential Amenity

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

#### *Impact on No. 26 Merlin Croft (attached property to the south east)*

- 9.9 Whilst already demolished it is important to note that there was previously a rear conservatory at the application site, and its base foundation can still be seen extending from the base of the rear elevation as existing. The proposed extension will largely be located on the same footprint of this existing base
- 9.10 There are no side windows proposed, in the extension which would result in a loss of privacy to the neighbouring property.
- 9.11 During the planning officers site visit it was noted that the rear elevation (first floor) of No.26 is set back from the rear elevations of both attached neighbours i.e. Nos. 24 (the site) and 28, but that at ground floor level there is a single storey structure under a mono-pitched roof which extends out roughly to the same depth as the existing rear elevation at No.24 (the site).
- 9.12 The proposed extension sits under a mono-pitched roof on this side of the addition and is set in a little from the boundary. The addition extends out close to the fence line between the two properties.
- 9.13 The approximately dimensions of the extension are:
- 3.30m depth
  - 3.34m height
  - 2.50m height to eaves

- 9.14 It is acknowledged that the extension will be visible from the neighbour's side, and that No.28 on the other side of No.26 has previously benefitted from a rear addition which extends along the shared boundary with No. 26.
- 9.15 However as set out above, the site retains permitted development rights for class A such that a rear extension with a depth of 3m, a height of 4m and eaves no greater than 3m due to the fact that the extension would sit within 2m of the site boundary, can be constructed without formal planning permission if in accordance with the GDPO including within the height restrictions which this addition would meet.
- 9.16 Whilst not illustrated on the submitted drawings, with a depth of approximately 3.3m deep, the extension would breach a 45-degree line from the middle of the neighbours closest ground floor window serving a habitable room towards the extension on plan and likely in elevation too, but so would a 3m deep rear extension that would not require permission. The harm in terms of loss of light and visual intrusion caused by the additional 0.3m is not concluded as significant when compared to the PD extension or 2m boundary wall which would also not require consent. Further whilst the extension will be visible along the north-western shared boundary, the rear of No.24 benefits from a favourable aspect, facing towards the south west.
- 9.17 In conclusion whilst not ideal in terms of harm to residential amenity when considering the above it is not concluded that the extension would appear unduly prominent or result in a significant loss of light to such a degree as to warrant a refusal, especially when compared to what could be constructed without the need for permission.

*Impact on No. 22 Merling Court (link detached property to the north west)*

- 9.18 the proposed addition also extends to the side, under a dual pitched roof (retaining access to the side door tucked behind the extension) towards the shared boundary with this neighbour. A gap of approximately 1m will be retained between the side of the extension and shared boundary (thereby retaining pedestrian access). Whilst the extension will be visible from the neighbouring property it is considered that it will not result in any significant loss of light or appear unduly visually intrusive or overbearing to No.22. There are no side windows proposed which would result in a loss of privacy.
- 9.19 Overall, due to the height, positioning and separation distance between the single storey addition and surrounding dwelling houses it is considered that the proposal would result in no significant adverse impact on the residential amenity of the neighbouring properties when considering a loss of daylight, sunlight, privacy or visual intrusion when compared to a PD extension to such a degree as to warrant a refusal on this site. It is therefore considered that the proposal accords with Policy CS12.

Other Considerations

Impact on Highway Safety, Access and Parking

- 9.20 The NPPF (2023), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the Parking Standards Supplementary Planning Document (2020) all seek to ensure

that new development provides safe and sufficient parking provision for current and future occupiers.

- 9.21 There are no changes to the number of bedrooms as a result of the proposal so no additional parking is required.
- 9.22 No changes have been proposed to the existing site access.
- 9.23 The proposal is for a single storey rear extension and as such would not result in residual harm to the safety or operation of the adjacent highway network.

#### Tree and Hedges

- 9.24 Section 6 of the application form states that no trees or hedges are within falling distance of the proposed development and that no tree or hedges need to be removed or pruned in order to carry out the proposal. The proposal would not affect any significant trees/landscaping.

#### Archaeology

- 9.25 The site is located within an Area of Archaeological Significance. The NPPF and Policy CS27 require the conservation of heritage assets. The County Archaeologist has been consulted and whilst final comments have not been received to date, given the modest size of the proposal, its position in relation to existing building and the fact ground works have already taken place for the previous conservatory, it is concluded that there would be no harm to heritage assets. The proposal complies with Policy CS27 in this regard.

#### Response to Neighbour Comments

- 9.26 Objection received from a neighbour, however the comments refer to a separate application for roof extension (dormer) under planning reference 24/01796/LDP and not this application for a single storey rear extension.

#### Response from Parish Council

- 9.27 The initial response from Northchurch Parish Council highlighted errors in the drawings, which have subsequently been rectified on the amended drawing 240701/PL101C.
- 9.28 Further consultation response following re-consultation:  
Objection due to loss of light and privacy to neighbouring properties – this is addressed within the report.

#### Community Infrastructure Level (CIL)

- 9.29 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy was adopted in February 2015 and came into force on 1 July 2015. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.
- 9.30 **No** (below 100sqm)

## Chiltern Beechwood Special Area of Conservation (SAC)

- 9.31 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CB SAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.
- 9.32 A screening assessment has been undertaken and no likely significant effect is considered to occur to the CB SAC therefore an appropriate assessment is not required in this case.

## Conclusion

- 9.33 It is not felt that the works would significantly impact the street scene. The development would not have a detrimental impact on the amenity of neighbouring properties to such a degree to warrant a refusal especially when compared to what could be constructed without the need for planning permission. The proposal would not adversely affect highway safety or car parking. Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework 2023 and Policies CS11CS12 and CS27 of the Core Strategy 2006-2031.

## **10 RECOMMENDATION**

- 10.1 That planning permission be GRANTED, subject to the conditions below:

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

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

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

2. **The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building in terms of size, colour and texture.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

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

**240701/PL101C existing and proposed plans and elevations.**

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

## Informatives:

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

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
BCA Townscape Group	N/A
Historic Environment (HCC)	<p>Re: A rear extension and removal of conservatory.- 24 Merling Croft Northchurch Berkhamsted Hertfordshire HP4 3XB</p> <p>ARCHAEOLOGICAL IMPLICATIONS</p> <p>Thank you for consulting us on the above application.</p> <p>After reviewing the application, we are unable to make comment due to insufficient information. If the applicant could provide additional information detailing specifics of the proposed development, we can then provide comment.</p> <p>Please do not hesitate to contact me should you require any further information or clarification.</p>
Parish/Town Council	<p>Amended comments received 12.09.2024</p> <p>Objection due to loss of light and privacy to neighbouring properties.</p>
Parish/Town Council	<p>Original comments received 13.08.2024</p> <p>Northchurch Parish Council was unable to give this application proper consideration due to errors and omissions in the application:</p> <ol style="list-style-type: none"><li>1. The Application Form mentions a 'dormer to rear' but this is not shown in any of the drawings.</li><li>2. The drawing entitled 'Existing &amp; proposed elevations' contains a number of errors:<ol style="list-style-type: none"><li>a. The proposed first floor plan and proposed roof plan show a cutout in the roof of the rear extension which does not match the skylights &amp; roofline shown in the proposed rear elevation.</li><li>b. The proposed front elevation shows a window in the roof but it does not appear in the proposed roof plan.</li><li>c. The side elevations do not indicate which side they are showing although this can be inferred.</li><li>d. The existing side elevation from the west shows a conservatory which has already been removed according to a member of the public. Please confirm.</li></ol></li></ol>

	<p>e. A member of the public claims that the side elevation from the west has a uPVC fully glazed door which was fitted last year but is not shown in the drawings and asks if this will this be removed and replaced with the window shown in proposed side elevation? (We were unable to confirm).</p> <p>f. The existing first floor plan does not show the above-mentioned side doorway.</p> <p>g. A member of the public claimed that the rear boundary of the properties is shown incorrectly but we were unable to confirm.</p> <p>A neighbour of this property spoke at the meeting to complain that the letter notifying him about this application only arrived on Friday 16th August leaving little time to comment. He immediately noticed the many errors noted above but he was unable to get through to the contact named in the letter. He was given an alternative contact but that person was on holiday. He feels that he has not been given enough time to respond to this application.</p> <p>We request that this application is deferred until correct &amp; complete documentation has been submitted.</p>
BCA Townscape Group	N/a

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	0	0	0	0

### Neighbour Responses

Address	Comments
22 Merling Croft Northchurch Berkhamsted Hertfordshire HP4 3XB	Objection received referred to an application for a loft Conversion (dormer) under separate planning reference 24/01796/LDP on site but not for this application for a single storey rear extension.

# Agenda Item 5g

ITEM NUMBER: 5g

24/00258/ADV	Display of an illuminated fascia sign affixed to the front of the restaurant premises and projecting non illuminated sign.	
Site Address:	5 - 7 Lower Kings Road, Berkhamsted, Hertfordshire, HP4 2AE	
Applicant/Agent:	Mr Chi Yung Tsang	
Case Officer:	Nigel Gibbs	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted Castle
Referral to Committee:	The recommendation to approve is contrary to Berkhamsted Town Council's objection	

## 1. RECOMMENDATION

1.1 That advertisement consent be **APPROVED** subject to conditions.

## 2. SUMMARY

2.1 The application is located within Berkhamsted Conservation Area wherein there is a careful consideration regarding the effect of new signage in the interests of amenity and public safety in accordance with the Advertisement Regulations.

2.2 The restaurant's shopfront currently features an internally lit static fascia sign and an unlit projecting sign, installed without advertisement consent and subject to an enforcement investigation.

2.3 In its original form the application effectively sought retain a lit fascia sign and internally lit projecting sign, with the submitted plans showing the shopfront to be lit by changing claret and blue LED shopfront exterior lighting. The individual and collective effects of the original scheme's lit advertising have been reviewed regarding their compatibility with the shopfront and the Conservation Area's evening/night time streetscape. By reason of the excessive lighting the original scheme was regarded as incompatible with and harmful to the existing historic environment.

2.4 Following extensive dialogue and liaison with the Design & Conservation Team, the application has been revised and part amended application form, by limiting the advertisement lighting to the fascia sign only. The revised approach, involving an illuminated fascia sign affixed to the front of the restaurant premises and projecting non illuminated sign, are regarded as compatible with the building and the Conservation Area both at day and night, with a neutral effect to the character and appearance of the area.

## 3. SITE DESCRIPTION

3.1 Nos 5-7 is a mid-terrace restaurant located on the south eastern side of Lower Kings Road shopping parade. It is north east of the crossroads junction with the High Street and Kings Road, located within Berkhamsted Conservation Area.

3.2 The building features an internally lit fascia sign restaurant name 'SZEN' and logo installed within the shopfront's lit fascia and a now unlit, formerly internally illuminated, projecting sign. The fascia can be partially enclosed/screened by the shopfront's deep awning overhanging the pavement. At the adjoining premises, no.9 – a jewellers shop, there is an externally illuminated fascia sign and an unlit hanging projecting sign.

## 4. PROPOSAL

4.1. The application in its revised form is for the existing static off set internally lit fascia sign and an unlit projecting sign. The original LED-lit claret and blue shopfront with a changing colour has been removed. The fascia will be lit externally with dimmed white lighting.

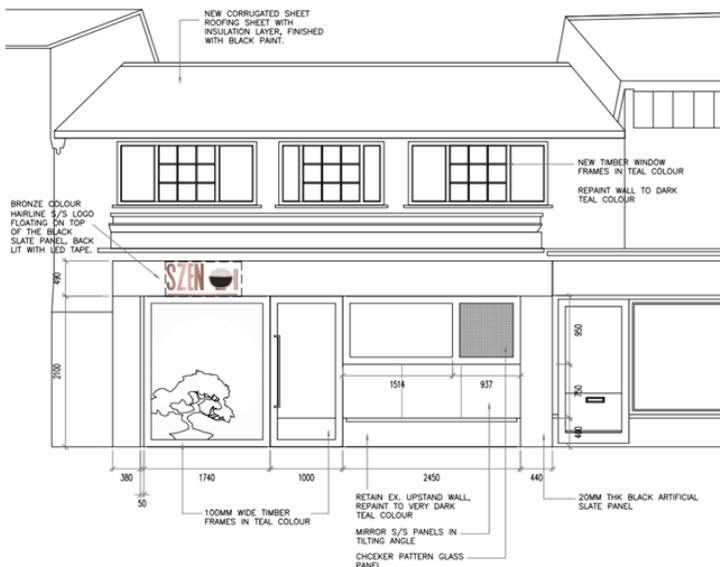
4.2 For clarification, the original application was validated as 'display of an static illuminated fascia sign affixed to the front of the restaurant premises'. However, the submitted documentation illustrated an internally illuminated projecting sign and an LED claret and blue shopfront with changing colour of lighting at the top and bottom of its two pilasters and across the fascia, as shown below:



4.3 The Applicant has provided an updated plan of the shopfront specifically deleting the claret and blue LED lighting. This deletion is also clarified through the revised application form that '... excludes the changing colour LED at top and bottom as referred to by the above plan'. If the application is approved the following condition will be imposed to address the issue.

*This consent is only for the static illuminated fascia sign within the statically illuminated fascia and the non-illuminated projecting sign. This advertisement consent is not for the installation of any additional external LED lighting or other exterior lighting of the shopfront.*

4.4 The revised drawing can be seen below.



## 5. PLANNING HISTORY

## Planning Applications:

19/03207/FUL - Change of use from A1 (Shops) to A3 (Restaurants and Cafes)  
*Withdrawn - 22nd October 2020*

20/04011/FUL - Change of use from class A1 to class E(b). Single storey infill extension to the rear existing yard together with a stair enclosure above the rear flat roof.  
*Granted - 12th March 2021*

## 6. CONSTRAINTS

BCA Townscape Group

CIL Zone: 1

Conservation Area: Berkhamsted

Former Land Use (Risk Zone)

Parish: Berkhamsted CP

RAF Halton and Chenies Zone: Yellow (45.7m)

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

Parking Standards: Zone 3

EA Source Protection Zones: 1, 2 and 3

Town: Berkhamsted

## 7. REPRESENTATIONS

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## 8. PLANNING POLICIES

### Main Documents

National Planning Policy Framework (2023)

National Planning Policy Guidance

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

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

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

CS16 - Shops and Commerce

CS13 - Quality of the Public Realm

CS27 - Quality of the Historic Environment

CS29 - Sustainable Design and Construction

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

Policy 13 - Planning Conditions and Planning Obligations

Policy 51 - Development and Transport Impacts

Policy 54 - Highway Design

Policy 112 - Advertisements

Policy 113 - Exterior Lighting  
Policy 120 - Development Affecting Conservation Areas  
Appendix 8 - Exterior Lighting

## **Supplementary Planning Guidance**

Area Based (2004)  
Environmental Guidelines  
Berkhamsted Conservation Area Character Area and Management Proposals  
Place & Movement Planning and Design Guidance for Hertfordshire

## **9. CONSIDERATIONS**

### Main Issues: Policy and Principle

9.1 The application's assessment is through the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), the National Planning Policy Framework (2023) and the associated Planning Policy Guidance for Advertisements.

9.2 In determining applications for advertisements Local Planning Authorities ("LPAs") are required to exercise their powers under the Regulations (3) to control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

9.3 In principle there are no objections to the installation of advertisements to serve the restaurant. It is fully recognised that all retail and other businesses/uses require signage. In serving the evening / night time economy illuminated signage for restaurants is nationally a standard feature of towns.

*The National Planning Policy Framework (2023)*

9.3 Paragraph 141 specifies:

*'The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'.*

*Planning Policy Guidance: Advertisements: July 2019*

9.4 This provides comprehensive guidance upon how Advertisements are addressed.

*Saved Dacorum Borough Local Plan 1991-2011 ("DBLP")*

9.5 Relevant saved policies are 112 and 113 and the associated Environmental Guidelines.

9.6 It is recognised that with the exception of DBLP Policy 112 (Advertisements) there is reference to 'development' rather than advertisements. However, such policies do refer to amenity/public safety.

*DBLP Policy 112: Advertisements*

9.7 This specifies that amongst various factors, express consent to display an advertisement will be given provided the advertisement:

- (a) is sympathetic in size, appearance, design and position to the building or site on which it is displayed;
- (b) is not unduly prominent;
- (c) does not detract from the amenity and character of the surrounding area; and
- (d) does not adversely affect highway and public safety.

Note: Under Policy Advice Note Version 1 May 2017 this policy was regarded partially consistent with the relevant version of the National Planning Policy Framework at that time.

#### *DBLP Appendix 8: Exterior Lighting*

9.8 Paragraph A8.21 (1) refers to the imposition of conditions restricting the hours of illumination for advertisements.

#### *Dacorum Borough Local Plan Environmental Guidelines: Part 6: Advertisements*

9.9 This specifies amongst a range of issues:

*'6.3 In general terms, advertising displays should be designed in a manner which respects the building on which they appear, the building group and the landscape. Facing materials and the mode of application of advertising matter can be critically important, as can the means of illumination.*

*6.4 Displays should avoid excessive repetition and should be easily identified with the premises to which they relate. Too many advertisements in one area create a cluttered appearance and tend to cancel each other out. Consideration should, therefore, be given to the needs of neighbouring businesses. Generally advance signs and signs which project above the roof line should be avoided'.*

#### *Other Policies*

9.10 As referred to above, Dacorum Core Strategy Policies CS16 (including the importance of the night time economy) and CS27 (Quality of the Historic Environment), Saved DBLP Policy 120 (Development Affecting Conservation Areas) and the highway safety policies are relevant, in addition to Hertfordshire County Council's Place and Movement Planning Design Guide.

#### *Other National Advice (For Illuminated Advertisements and Light Pollution)*

9.11 This includes:

1. The Institution of Lighting Professional's publication *The Brightness of Illuminated Advertisements\** PLG 05 (2023) and,
2. The ILP Guidance Note relating to the Reduction of Obtrusive Light Pollution (2021).

#### The Application's Assessment

9.12 This addresses the following in accordance with Regulation 3 of the Advertisement Regulations:

- a. Amenity.
- b. Public Safety.

9.13 As confirmed, this takes into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

## *Amenity*

9.14 The general background is referred to by the Government PPG:

'Amenity' is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It includes aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)).

9.15 It is, however, a matter of interpretation by LPA (and the Secretary of State) as it applies in any particular case. In practice, "amenity" is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

So, in assessing amenity, the LPA would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the LPA would consider whether it is in scale and in keeping with these features...'

9.16 In its originally submitted form the application with a range of ambiguities was regarded as incompatible with and harmful to the Conservation Area's character and appearance.

9.17 In its revised form, by day it is considered that the fascia and projecting signs would be compatible with nos. 5/7 and Conservation Area by preserving the Area's character and appearance, with no harm to the residential amenity of the locality.

9.18 Following discussions with the Applicant and liaison with the Design & Conservation and Enforcement Team, it is considered that by night/during the evening the revised scheme is acceptable. The lit subdued static SZEN sign and its associated fascia within the streetscape, would maintain the character and appearance of the Conservation Area's streetscape. This would be even more the case when the shopfront awning is lowered by acting as a shield. The unlit projecting sign would have no adverse effect at night. This overview confirming the acceptability of the revised approach is also in the context of the very strident externally illuminated fascia sign of the adjoining shop at no.9.

9.19 For clarification, recommended Condition 2 clarifies that the approval is limited to the fascia and projecting signage, specifically excluding the LED claret and blue shopfront lighting, based upon the amendments to the application.

### *Assessment: Public Safety*

9.20 Hertfordshire County Council Highways raise no objections subject to some informatives, and there are no apparent crime prevention/security issues. The LPA has not consulted the Air Authorities as due to the limited form exterior lighting

### Conclusion

10. In the applications revised form the subtly lit fascia and non-lit projecting signs would be compatible with nos. 5 and 7, with a neutral effect upon the character and appearance of the Conservation Area by both day and night.

10.2 In addition to the standard advertisement conditions and Condition 2, others are also recommended, all of which are in accordance with the standard tests for conditions (see below). These are necessary, relevant to planning, relevant to the scheme to be permitted, enforceable, precise and reasonable in all other respects.

10.3 The range of highway related informatives include the important requirement for the Applicant to apply for a licence issued under the provisions of Section 177 of the Highways Act 1980. The Applicant has been informed of this requirement.

## **RECOMMENDATION**

11.1 That advertisement consent be **APPROVED** subject to the following conditions:

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

1. **(a) Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.**  
**(b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.**  
**(c) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.**  
**(d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.**  
**(e) No advertisement shall be sited or displayed so as to: (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.**

Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007; coupled with the requirements of Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 141 of the National Planning Policy Framework (December 2023).

2. **This consent is only for the static illuminated fascia sign within the statically illuminated fascia and the non-illuminated projecting sign. This advertisement consent is not for the installation of any additional external LED lighting or other exterior lighting of the shopfront.**

Reason: In the interests of amenity and for the avoidance of doubt; the originally submitted details were regarded as incompatible and detrimental to the character and appearance of Berkhamsted Conservation Area.

3. **The fascia sign hereby approved shall be only of a static illumination at all times with an illuminance of 100 cd/m and there shall be no internal or external illumination of the projecting sign hereby approved.**

Reason: In the interests of amenity and public safety and for the avoidance of doubt.

4. **The fascia sign hereby approved shall only be statically illuminated and shall be permanently switched off at 24.00hours each day and not switched on until 15.30 the following day.**

Reason: In the interests of amenity and for the avoidance of doubt.

**5. The consent hereby approved shall be carried out fully in accordance with the following plans:**

**Location Plan (PP-127603301)**

**Plan LA-101 Revision D**

**Non-Illuminated Projecting Sign Plan (no reference) named 'Sign Dimensions' received on 2 February 2024**

Reason: For the avoidance of doubt.

**Informatives:**

1. Advertisement consent has been approved for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework and in accordance with the Town and Country Planning Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. Projecting sign: Notwithstanding any consent issued under the Town and Country Planning Act, a licence issued under the provisions of Section 177 of the Highways Act 1980 is required prior to the installation of any part of the projection or overhang into or over the public highway. Further information is available via the County Council's website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/oversail-licence-to-overhang-a-structure-on-a-public-road.aspx> or telephoning 0300 1234047.

3. 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.

4. 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.

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

vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Historic Environment (HCC)	No response.
Hertfordshire Highways (HCC)	<p>Application type: Advertisement Consent</p> <p>Proposal: Display of an illuminated fascia sign affixed to the front of the restaurant premises</p> <p>Recommendation Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) 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.</p> <p>Further information is available via the County Council website at: <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> or by telephoning 0300 1234047.</p> <p>AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.</p>

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

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

AN 4) Projecting signs: Notwithstanding any consent issued under the Town and Country Planning Act, a licence issued under the provisions of Section 177 of the Highways Act 1980 is required prior to the installation of any part of the projection or overhang into or over the public highway. Further information is available via the County Council's website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/oversail-licence-to-overhang-a-structure-on-a-public-road.aspx> or telephoning 0300 1234047.

#### Comments

The application is for the consent to display an illuminated fascia sign affixed to the front of the restaurant premises at 5 - 7 Lower Kings Road, Berkhamsted. Lower Kings Road is a 20 mph classified C local distributor route that is highway maintainable at public expense. . HCC would note that our guidance states in section 4, 1.9; 3.1 Structures Over the Highway

"The headroom to structures over the highway, such as bridges, lamp columns or archways, should be at least 5.3m. Structures over access roads to car parks or shared areas may be lower.

Assessment should be made on a case-by-case basis. The headroom to any obstacle within 450mm of a right of way shall be at least:

- 2.3m over a footway or footpath
- 2.4m over a cycle track
- 3.7m over a bridleway"

HCC observes that the signs projecting would be above the 2.3 metre

	<p>stipulation although the drawing appears to show it inaccuracy measured below this, however, it is considered acceptable as it is above the 2.3 metres in real life. The applicant must contact the council separately as per informative 4 above to finalise the erection of the projecting sign over highway land.</p> <p>HCC Highways would not wish to restrict a granting of permission for the proposal.</p>
Parish/Town Council	<p>Objection</p> <p>The committee agreed with the comments by the BCA Townscape Group and Conservation &amp; Design and requested removal of the internal illumination fascia sign in the Conservation Area and replacement with external illumination.</p>
Conservation & Design (DBC)	<p>INITIAL RESPONSE</p> <p>5-7 Lower Kings Road is located within the Berkhamsted Conservation Area, the closest listed buildings are on the High Street. The building is on the east side of the road directly on the pavement. It is two storeys under a corrugated iron roof with a traditional timber shop front.</p> <p>This application is for retrospective advertising consent.</p> <p>There is no objection to the signage, only the type of illumination. Within the conservation area internal illumination is not considered acceptable. It is therefore requested that it be removed, including the LED lighting behind the artificial slate. External illumination should be proposed instead.</p> <p>FINAL /ADDITIONAL RESPONSE TO THE APPLICANT'S E MAIL OF 13 SEPTEMBER 2024</p> <p>What Chiyung Tsang proposes sounds acceptable.</p> <p>Although internal, the lighting of the Szen lettering appears to be closer to halo lighting than internal.</p> <p>The external lighting has a warm hue which is supported and preferred to the cool external lighting of the neighbouring shop.</p> <p>Removing of internal lighting of the box signage is supported.</p> <p>( The Applicant's E Mail : 13 September 2024</p> <p>We would like to confirm with you what we have discussed about our change in the lighting arrangements as below.</p>

	<p>1. The restaurant name (SZEN) sign of shopfront signage in the middle will use dim internal lighting (just like photos attached).</p> <p>2. The whole shopfront background will use external lighting (just like photos attached).</p> <p>3. The box signage at the left hand side near the roof will turn off lighting until further notice.</p> <p>And per your advice, please find the below photos taken at night yesterday in different angles of the shopfront. They are definitely showing our signage lighting is dimmer than the street lights.</p> <p>Photo 1: from opposite road, near Waitrose  Photo 2: from opposite road, at junction with High Street  Photo 3: in front of shop, from opposite road</p> <p>Hope council and committee members agree of what we have changed and grant us the approval, to settle this application</p>
BCA Townscape Group	The Group objects to this internally-illuminated fascia sign in the conservation area. Internal illumination should always be resisted in the CA. It is unacceptable on a general and specific basis.
Town Centres (DBC)	Response awaited.

**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

Neighbour Consultations	Contributors	Neutral	Objections	Support
0	0	0	0	0

**Neighbour Responses**

Address	Comments

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 (October 2024)

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

CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
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									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
5	E/20/00023/ MULTI	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

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
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										secure compliance but also guide new appropriate development.
6	E/20/00249/ LBG	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/ NPP	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/ LBG	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/ NPP	45 Lawn Lane, Hemel Hempstead HP3 9HL	Use of outbuilding as independent dwelling	25 Oct 22	25 Nov 22	25 Aug 23	Yes/dismi ssed	14 <sup>th</sup> April 2024	Notice compliance date 14 <sup>th</sup> April 2024, interview under caution invited on the 2 <sup>nd</sup> July 2024- did not turn up Consider next action
11	E/19/00444/ NAP	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 <sup>nd</sup> March 2024	*Appeal Dismissed – notice upheld new compliance date*
11	E/19/00444/ NAP	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 <sup>nd</sup> December 2024	*Appeal Dismissed – Notice upheld new compliance date*
13	E/22/00349/ NPP	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 Statement in waiting decision
14	E/19/00221	37 West Valley Road, Hemel Hempstead, HP3 0AN	Without planning permission, the erection of high fencing, a covered	4 Jan 23	3 Feb 23	3 Aug 23	No	N/A	*23/02186/FUL Approved and complied with – case

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
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			storage area, installation of a retaining wall and steps, also changes to land levels in the rear garden associated works.							to be removed from list*
<b>15</b>	E/22/00293/ NAP	Martlets, The Common, Chipperfield	. Without planning permission, the construction of a detached structure to provide two semi detached outbuildings	16 Jan 23	20 Feb 23	20 Aug 23	Yes/ Dismissed	2 <sup>nd</sup> November 2024		*Notice complied with – case to be removed from list*
<b>17</b>	E/17/00254	Zeera, 49 High Street, Bovingdon	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 DR
<b>18</b>	E/19/00229	85-87 High Street, Berkhamsted	Without planning permission, the replacement of a ground floor bay window, ground floor window and entrance door on the principle elevation	16 Jan 23	20 Feb 23	20 Nov 23	Yes		Waiting appeal result	*Appeal Allowed – permission granted with discharge condition case to be removed from list*
<b>18</b>	E/20/00157/ NAP	Land Lying South East of Cupid Green Lane 'Plot G'	Without planning permission, unauthorised change of use from agriculture to carpentry business and unauthorised erection of miscellaneous outbuildings within the Green Belt	16 Feb 23	30 Mar 23	30 Oct 23	Yes			*Notice Quashed – on the back of the decision a new notice has been issued with amendments made – this action to be removed from list*
<b>19</b>	E/20/00157/ NAP	Land Lying South East of Cupid Green Lane 'Plot G'	Without planning permission, unauthorised change of use from	16 Feb 23	30 Mar 23	30 Oct 23	Yes			*Notice Quashed – on the back of the decision a new notice has been

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			agriculture to carpentry business and unauthorised erection of miscellaneous outbuildings within the Green Belt							issued with amendments made – this action to be removed from list*
20	E/22/00130/ NAP	Land Adjacent to 22 Brook Street, Tring	Breach of condition attached to appeal decision on 10 <sup>th</sup> 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. Review of site to take place*
21	E/22/00280/ NPP	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	Statement in waiting decision
22	E/22/00314/ COB	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	Statement in waiting decision
23	E/23/00123/ NPP	Land at Church Road, Little Gaddesden, Berkhamsted, Herts	Without planning permission, unauthorised erection of field shelter/building	27/04/2023	09/06/2023	09/10/2023	Yes		Waiting appeal result	Statement in waiting decision
24	E/23/00096/ NPP	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		N/A	Appeal Statement Submitted waiting decision

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25	E/22/00334/ BOC	Keymers Chapel Croft Chipperfield WD4 9EQ	Breach of conditions 7 and 8	14.07.23	14.07.23	14/01/2024			N/A	*Notice to remain in place. However prosecution is not being pursued – enforcement case closed to be removed from list*
26	E/22/00179/ COB	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			appeal in – statement submitted awaiting decision
27	E/22/00382/ ENG	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

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28	E/23/00082/ LBG	Saffron Old Town Ltd, 69-71 High Street, Hemel Hempstead, HP1 3AF	Condition 3 of 22/02790/FUL not complied with	13.10.2023	13.10.2023	13.11.2023	No		Partial – compliance	*Partial compliance flue – while the condition was not discharged the flue is now painted black and the materials used for the replacement fence are more in keeping – not expedient to pursue. Case to be removed from list*
29	E/23/00159/ COB	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-review next steps*
30	E/20/00480/ CONSRV	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*
31	E/23/00016/ NPP	(Plot O) 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 storage of scaffolding and associated equipment. 2) Operational development consisting of the laying of a hard surface.	17.01.2024	29.02.2024	29.07.2024	No			*Notice part complied – one scaffolding company has left the land another scaffolding company remains alleged change of ownership *

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Page 240	<u>32</u>	E/23/00050/ NPP	(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 – scaffolding company has left the land scattered materials and container still present alleged change of ownership*
	33	E/23/00319/ COL	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		Still within compliance period
	<u>34</u>	E/23/00483/ COL	Land at High Scrubs Woods, Kiln Lane, Hastoe	Without Planning Permission, the material change of use of the land to a	05.02.2024	18.03.2024	18.10.2024	No		*Notice complied with – to be removed from list*

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			mixed use of forestry, residential and general storage, the change of use of a building to a mixed use of forestry and residential, the siting of 2 caravans for seasonal residential accommodation and the erection and use of a marquee for general storage.						
35	E/22/00182/ ENG	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		Still within compliance period
36	E/21/00027/ NAP	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		*Notice appealed – waiting decision*
37	E/21/00256/ NPP	Conifers, Rucklers Lane, KL	Without planning permission the installation of raised decking	03/06/2024	15/07/2024	15/11/2024	Yes		*Notice appealed – waiting decision*
38	E/22/00173/ NAP	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		*Notice appealed – waiting start date*

**The Following Cases are being added to the list for the first time**

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39	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	No			*within compliance period. However refused planning application for its retention has been appealed*
40	E/24/00109/COL	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 within compliance period*
41	E/21/00117/NPP	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*
42	E/24/00151/NPP	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 the corner of Spring Garden Lane and Two Ponds Lane; engineering works incorporating excavation of, and laying	22/07/2024	02/09/2024	02/03/2025	Yes			*Notice appealed – waiting start date*

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			of hardcore on the land, and creation of new hardcore laid area in the eastern part of the land.							
<b>43</b>	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*
<b>44</b>	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*
<b>45</b>	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			*Notice within compliance period*
<b>46</b>	E/23/00455/NP P	Rectory Farm, Kings Langley, WD4 8HT	Without planning permission, the retention of a metallic storage container on field adjacent to the western side boundary of property at No. 18 Rectory Farm, to	06/09/2024	11/10/2024	11/04/2025	No			*Notice within compliance period*

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			facilitate change of use of land to storage of non-agricultural materials							
47	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 – waiting start date*
48	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			*TSN still in force*

# Agenda Item 8

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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