



Public Document Pack

DEVELOPMENT CONTROL AGENDA

THURSDAY 8 SEPTEMBER 2016 AT 7.00 PM
COUNCIL CHAMBER - CIVIC CENTRE

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

Membership

Councillor D Collins (Chairman)	Councillor Riddick
Councillor Guest (Vice-Chairman)	Councillor Ritchie
Councillor Birnie	Councillor Whitman
Councillor Clark	Councillor C Wyatt-Lowe
Councillor Conway	Councillor Fisher
Councillor Maddern	Councillor Tindall
Councillor Matthews	Councillor Imarni

For further information, please contact Katie Mogan or Member Support 01442 228221

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 complete the pink interest sheet which will be made available at the meeting and then hand this to the Committee Clerk at the meeting

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 know by
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	Noon the day of the meeting

You need to inform the council in advance if you wish to speak by contacting Member Support on Tel: 01442 228221 or by email: Member.support@dacorum.gov.uk

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 Control 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.

- (a) 4/02678/15/FUL LOXLEY FARM, CHAPEL LANE, LONG MARSTON, TRING, HP23 4QT (Pages 5 - 52)
- (b) 4/02679/15/LBC LOXLEY FARM, CHAPEL LANE, LONG MARSTON, TRING, HP23 4QT (Pages 53 - 100)
- (c) 4/01658/16/FUL FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW (Pages 101 - 120)

(d) 4/01227/16/FUL SHANTOCK, VENUS HILL, BOVINGDON, HEMEL
HEMPSTEAD, HP3 0PG (Pages 121 - 136)

(e) 4/01763/16/FHA 18 TWEED CLOSE, BERKHAMSTED, HP4 1SY (Pages 137 -
143)

6. APPEALS

7. EXCLUSION OF THE PUBLIC

8. ADDENDUM

**9. E/12/00139 -LAND AT FLAUNDEN HOUSE STABLES, BIRCH LANE, FLAUNDEN,
HEMEL HEMPSTEAD, HERTS, HP3 0PW (Pages 144 - 147)**

**4/02678/15/FUL & 4/02679/15/LBC- NEW BOUNDARY LINE TO DIVIDE THE EXISTING SITE & CREATE 3 NEW 4-BEDROOM LOW-ENERGY HOUSES TO THE LAND BEHIND LOXLEY FARM WITH ACCESS FROM ASTROPE LANE..
LOXLEY FARM, CHAPEL LANE, LONG MARSTON, TRING, HP23 4QT.
APPLICANT: Mr Wilson.**

[Case Officer - Joan Reid]

Update

At the last committee meeting on 18th August 2016, the decision was deferred by committee members in order to seek further clarification from Thames Water on Sewerage matters. Further comments from Thames water will updated before the development control committee on the matter.

The applicants have since submitted further information from their consultants on the matter as below:

REVIEW OF SURFACE WATER MANAGEMENT STRATEGY: LOXLEY FARM, LONG MARSTON, HERTFORDSHIRE, HP23 4QT

1 Terms of Reference

In response to instruction from Nimbus Engineering Consultants Ltd., Hydro-Logic Services have undertaken a review of the Surface Water Management Strategy for a proposed residential development at the above site. This review succeeds objections raised by Tring Rural Parish Council in their capacity as Statutory Consultee to Planning Application 4/02678/15/FUL.

The main issue is related to the impacts of an increase in impermeable surface area, and connections to the foul sewer system, on local flooding and a Thames Water pumping station.

Reference has been made in this review to the following sources of information:

- Hydro-Logic Services (June 2014) Flood Investigations at Long Marston, Wilstone and Gubblecote, Ref: K0480/pw
- Nimbus Engineering Consultants Ltd. (March 2016) Surface Water Management Strategy for a Proposed Residential Development at Loxley Farm, Long Marston, Hertfordshire, Document No. C1559
- Nimbus Engineering Consultants Ltd. (August 2016) Addendum: Flood Risk Assessment Report for Proposed Residential Development at Loxley Farm, Long Marston
- Tring Rural Parish Council (March 2016) Minutes of the meeting held on 2nd March 2015 at Long Marston Village Hall at 8.15pm
- Tring Rural Parish Council (August 2016) Minutes of the meeting held on 5th August 2015 at Wilstone Village Hall at 8.00pm

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2 Background

It has been proposed to construct three residential dwellings with associated access and landscaping, to include demolition of an existing stables, at Loxley Farm, Chapel Lane, Long Marston in Hertfordshire.

Long Marston has a history of flooding, the most recent documented event being on 7th February 2014. The overloading of a Thames Water sewer pumping station, located off Chapel Lane, and subsequent surcharging of the sewer system was a significant factor in the 2014 flooding. This was evidenced by residents unable to flush their toilets at the time of the event.

The pumping station has capacity for 510 homes, with 300 currently attached. Hence, it is currently under-capacity in terms of foul drainage.

A number of storm drains are connected to the foul sewers. When the ground is waterlogged, excess rainwater runoff enters the sewer system. Additionally, when groundwater levels are high, as in 2014, groundwater infiltrates into the sewer system.

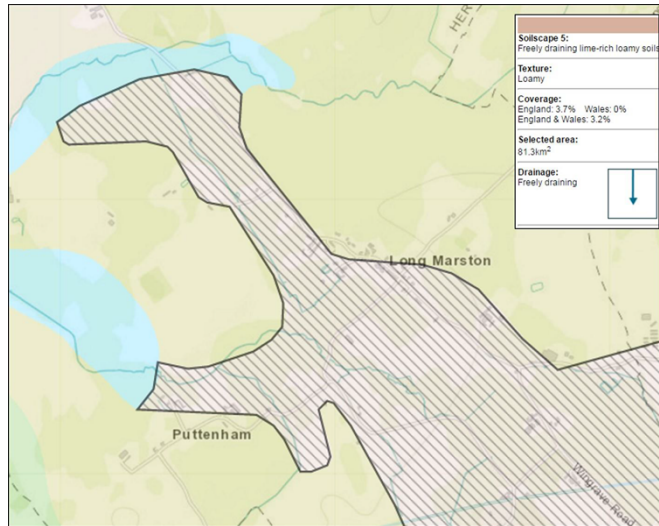
The additional water entering the sewer system from storm runoff and groundwater infiltration reduces the capacity of the pumping station to receive foul water. Consequent overloading leads to surcharging, which contributes to localised flooding in the Chapel Lane area.

3 Surface Water Management Strategy

Using a combination of a retention pond, raingardens and swales, the proposed surface water management strategy will reduce rainfall runoff from the site. Current peak levels of runoff are 21.7 l/s for the 1 in 1 year event and 108.6 l/s for the 1 in 100 year event, with a 30% increase allowance for climate change.

In the case of a single storm event, all water will infiltrate into the ground and runoff will effectively be zero. In the event of waterlogged ground conditions, or high groundwater levels, storage has been provided that will limit runoff to 2.5 l/s.

Site specific infiltration tests have been undertaken which resulted in an infiltration rate used for calculations of 1×10^{-5} m/sec (0.036 m/h). This is at the lower end of the "sand" range and upper end of "sandy loam" categories in the recently revised SUDS Manual (CIRIA C753); this is presented under a heading of "good infiltration media". This classification is also consistent with the information from the soil map produced by Cranfield University, shown below (<http://www.landis.org.uk/soilscapes/index.cfm>).



Foul connections from the proposed development will provide, on average, an additional 0.14 l/s, based on three dwellings. This is well within the capacity of the pumping station under normal conditions. In the event a severe storm and waterlogged conditions, and assuming all 2.5 l/s surface runoff enters the sewer system, the total combined runoff will be 2.64 l/s.

The rate of runoff from the proposed strategy is significantly below current levels. This will reduce the volume of water entering the sewer system via storm drains. The risk of overloading of the sewer system will be reduced. Hence, the risk of flooding in the Chapel Lane area will be reduced.

4 Conclusions

Objections to Planning Application 4/02678/15/FUL, proposed residential development at Loxley Farm, Long Marston, were made by Tring Rural Parish Council in their capacity as Statutory Consultee. These were based on the possible adverse impacts of the development on local flooding. In particular, concerns over additional water entering the foul sewer system, overloading of the Thames Water pumping station, and subsequent surcharging and flooding, were raised.

The Surface Water Management Strategy proposed for the development significantly reduces the rate of runoff from the site. This will ease the burden on the sewer system and have a positive effect on flood risk. The risk of flooding in the Chapel Lane area will be reduced.

Further comments are awaited from Thames Water and will be reported to Committee.

In light of the above and statutory responses previously received the recommendation from officers remains as previous (see below)

Committee Report as per 18th August 2016

Summary

The applications are recommended for approval. The proposal of 3 new dwellings would introduce a small infill development located within the village boundary of Long Marston which is considered acceptable in principle in accordance with policy CS7.

This development comprises a good quality design and layout and comprises satisfactory access onto the highway. The scheme is considered to be a high quality development that helps meet the need for new housing, as set out in Core Strategy policy CS17. Despite local opposition to this scheme as a result of Flooding, the applicant has worked alongside the Lead Flood Authority and the Environment Agency to overcome concerns in regards to flooding and drainage and it is considered that the scheme will adequately drain in times of flooding and would not give rise to further detriment to neighbouring properties. The proposal would not result in significant harm to the residential amenities of neighbouring properties or be detrimental to matters of highways safety. The scheme has been carefully designed to avoid harm to the original character and setting of the listed building and potential archaeological remains will be considered. The scheme is therefore in accordance with Core Strategy policies CS5, CS7, CS12 and CS13, CS27, CS29 and Appendices 3 and 5 of the DBLP.

Site Description

The application site is located within the designated small village of Long Marston and comprises the rear garden of Loxley Farm which is a Grade II listed farm house. The site also comprises a listed gate house, separate annexe stabling and formal gardens and paddocks. The main access to the site is from the centre of the village. The site is located immediately to the rear of Long Marston Primary School and is bounded by dense boundary hedge and trees. Since the course of the application, it has been found that part of the site lies within Flood Zones 2 and 3. The site lies within conservation area and within the boundary of a designated small village of the rural area. A right of way cuts across the site.

Proposal

The application seeks planning permission for erection of three new detached dwellings, together with new access, landscaping and car parking. The existing stable buildings are to be demolished and all three new dwellings are to be accessed independently from the main house via an existing site entrance off Astrope Lane. The proposed dwellings are two storey which take the form of L shaped barn house with modern additions. The houses are laid out to create an entrance courtyard.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Long Marston Parish Council.

Planning History

None recent

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
NPPG

Adopted Core Strategy

CS7 - Rural Area
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS19 - Affordable Housing
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS30 - Sustainability Offset Fund
CS31 - Water Management
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 58, 99 and 119
Appendices 3 and 7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Affordable Housing (Jan 2013)

Summary of Representations

Tring Rural Parish Council

TRPC, would like to object to the above application for the following reasons:

- Flood Risk - the area where the proposed houses would be built is a flood plain. When Long Marston was flooded last year, the field (Dyers Close) through which the access road would come was under water, as was Marston Court, and we believe the garden of Loxley Farm, where the houses would be built. The Council and residents are concerned that if the water can no longer plain in this area, it will be pushed forward into the village at it's lowest and most vulnerable point, where Chapel Lane meets station road. The impact of 9 bathrooms and numerous parking spaces is also likely to negatively impact the flooding situation along with the sewage situation which is also vulnerable at this point in the village.
- Trees - there are a number of mature trees in the area which the Council believe are both very beautiful and also help to stabilise the water helping to prevent flooding. The Council would like to take steps to preserve the trees in this area.
- School Access - the Council and residents were given the impression that alterations to the school access would be proposed alongside the development of new houses. The Council believe they may have been told about alterations to access in order to make them think more favourably on the application.
- The construction of the houses with cast concrete walls, is not in keeping with other houses in the area.

- The Council and residents are concerned that the development will have an impact on traffic coming down Astrope Lane, where people walk to school and where there is no pavement.

Conservation and Design

There has been extended discussion and re-configuration of the three houses and, in terms of a 'courtyard' scheme that also keeps the views through to the listed farmhouse, I consider this has now reached an acceptable level in relation to scale, form and layout.

The key remaining issues for clarification are therefore:

- a) more information is required on the use of cast stone and its finish (colour, texture etc) and its justification in this sensitive position in the context of the village and farmhouse
- b) The interface between the upper storey cladding and this cast stone at ground level – the side elevations appear to show them as flush whereas front elevations show the upper cladding with some shading, as if the upper storey partly oversailed the ground floor.
- c) There is no rainwater provision and both of the above might be affected through differential weathering if there is no provision for this
- d) There is an extensive use of rooflights – I am not convinced this is necessary and that more restrained use would create a less 'busy' roofscape

Historic England 10/08/2015

Thank you for your letter of 30 July 2015 notifying Historic England of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Hertfordshire County Council – Lead Local Flood Authority 25/09/2015

This application has been passed onto me for consultation via Laura Leech in our Flood Risk Management Team. I understand the residents of Long Marston have asked the developer to undertake an FRA due to the existing flood risk issue within the village, which resulted in the LLFA undertaking a Section 19 flood investigation.

Having looked at the proposal, the development site area is over 1ha and therefore should have undertaken an FRA in accordance with the NPPF. This also makes the proposal a 'major' application which means that the LLFA have a statutory duty to respond to the application as a result of the changes to the NPPG from the 15 April 2015.

I therefore wanted to provide you with a heads up that we will be objecting to the proposed development as the FRA is inadequate and therefore does not demonstrate that there is no increase in flood risk to the site and the surrounding area. As you can appreciate, due to the recent flooding, we need to be convinced in order to inform the LPA and residents, that the development will not increase flood risk and will provide a betterment.

I note that you are away until the 5 October 2015, I have therefore copied in Paul Newton in case the LPA needs to discuss anything prior to us sending you our formal response.

Updated Summary and response to Flooding from applicant

1.0 Introduction

This addendum report has been written to provide a summary of the Flood Risk Assessment and SuDs reports that were produced for the proposed development of three dwellings at Loxley farm. The proposals and findings in these reports have led to both the Environment Agency and Local Planning Authority being in agreement and recommending the proposals for approval. It intends to further clarify any concerns that were previously raised and give an overview of measures being implemented to ensure no increased flood risk can occur at the site or elsewhere as a result of the proposals.

2.0 Historic Flooding, Existing condition of the ditches and current defects

Although there have been no historic incidents of flooding at the proposed development site, there have been incidents within the Long Marston area, and the following extract from the original FRA submitted as a part of this planning application is below:

“A main river, known as the Tring Bourne, flows through the village and ultimately feeds the River Thames. The Section 19 Technical Assessment Report describes the source of the Tring Bourne being at the west of Startops End Farm near the junction of Watery Lane and Lower Icknield Road (B489). The watercourse is thought to be fed by groundwater and underwater springs. It then flows along the western side of Tring Road, entering a culvert and then flowing to the south of Chapel Lane, before flowing in a north westerly direction out of the village. The culvert was inspected in September 2010 and significant defects were identified, but no remedial work has been carried out to date.

An ordinary watercourse also flows along the eastern side of Tring Road (on the opposite side to the Tring Bourne). This watercourse then flows beneath the road and before it enters the Tring Bourne. There have been recorded flood events in the village dating back to 1978. The catchment is relatively flat and the lack of gradient means that flows can take some time to pass through the village.

Table 1 describes some of the recorded flood events in Long Marston. The most recent documented flooding was in February 2014, which resulted in damage to one commercial and at least five residential properties. Loxley Farm, Long Marston

Flood Risk Assessment and Surface Water Management Summary and Addendum Table 1 - Recorded flood events in Long Marston (extracted from Hertfordshire County Council Flood Investigation Report, November 2014) The watercourses are reported as being in a poor state of repair with no maintenance having been carried out in the last 10 years, which has resulted in an accumulation of silt, debris and growth of channel and bankside vegetation. The Tring Bourne is not on the Environment Agency’s maintenance programme.

A review of the Environment Agency indicative modelling flood extent suggests that the

maps do not accurately reflect where fluvial flooding will occur, which is confirmed by the Section 19 Technical Assessment Report. The maps are prepared on a strategic scale and do not accurately represent structures such as culverts. It is likely that the predicted flood extent was based upon the watercourse being an open channel, which is not the case. Flood water is likely to spill from the inlet to the culvert on Tring Road, and as described in the Section 19 technical assessment, from manholes along the culverted section of the Tring Bourne. The outlet of the culvert is also likely to be subject to flooding. The flood maps do not reflect where historic flooding has occurred in the village.

The Section 19 Technical Assessment identified 3 areas (Figure 6) where flooding was occurred, at low spots: to the west of Chapel Lane, the junction of Chapel Lane and Station Road and Tring Road (not as predicted by the Environment Agency fluvial flood maps). These areas of historic flooding reflect issues with the culvert. The flooding at Tring Road is at the same location as the inlet to the culvert, suggesting that the culvert has insufficient capacity to deal with flows in the watercourse, leading to flows backing up and spilling along the road. Chapel Lane has also flooded in the past as the road acts as a conveyance channel and flows floodwater then accumulates at a low point, at the western end of Chapel Lane. The other area where historic flooding has occurred is at the junction of Station Road and Chapel Road. The Section 19 Technical Assessment refers to overland flooding in Area 1 from the Tring Bourne (emerging from culvert manholes) and flooding from the open channel upstream. Surface water flooding from land to the northwest would also accumulate in this area, where highway drainage is reliant on the culvert.

3.0 Surface Water Management (SuDs) Strategy

The existing contributing impermeable area at the site is 290 m², producing a peak run off of 21.7 l/s in a 1 in 1 year, storm event, and a peak run off of 108.6 l/s in a 1 in 100 year storm event plus 30% climate change allowance. This surface water run off enters the ditch, and during a 1 in 100 year, storm event including a 30% climate change allowance would produce a volume of 88.7 m³. The proposed contributing impermeable area at the site is 1090 m², producing a peak run off of 35.6 l/s in a 1 in 1 year storm event, and a peak run off of 178.20 l/s in a 1 in 100 year storm event plus 30% climate change allowance. Due to a small portion at the south of the site being within a Flood zone 2 and 3, as shown on drawing number C1559-02 in Appendix B, as well as concerns from the parish council regarding existing flooding issues downstream from this development we have produced a surface water management strategy to ensure that any surface water flows from this development are managed and treated at source. The proposed layout of this surface water management strategy can be found on drawing number C1559-01 in Appendix B. Ground conditions are good for above ground SuDs (Sustainable Urban Drainage Systems) such as those proposed at this site. Ground is sand and gravel up to 1.6 metres below ground level. Infiltration calculations show that the SuDs proposed will infiltrate all of the volume produced from the site for a 1 in 100 year plus 30% climate change storm event. However, storage will also be provided in these SuDs, over and above this for a second 1 in 100 year plus climate change storm event, should there have been several days of prolonged rainfall and whereby the ground has become saturated. The peak flow storage calculations provided in Appendix A show that 32.64m³ of storage is required.

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produced from the site for a 1 in 100 year plus 30% climate change storm event. However, storage will also be provided in these SuDs, over and above this for a second 1 in 100 year plus climate change storm event, should there have been several days of prolonged rainfall and whereby the ground has become saturated. The peak flow storage calculations provided in Appendix A show that 32.64m³ of storage is required.

This storage is provided as shown below:

Total from raingarden planters = 7.1 m³

Total from swales =52.4 m³

Total from Pond = 23.14 m³

Total from pipe network and manholes = 3.5 m³

In order to ensure that no over land flows from the proposed development enter the adjacent site, these calculations include an allowance for the contributing area for any overland flows, and the actual volume of storage provided at the site is 86.14 m³.

Peak flow storage re-calculated for a greater storm event of 1 in 200 plus 30% Climate change event will require a storage of 40.5m³ . Peak flow storage recalculated for a greater storm event of 1 in 1000 plus 30% Climate change event will require a storage of 65.9m³.

The flow leaving the site and entering the ditch has been reduced to 2.5 l/s, which is 106.1 l/s less than what would be entering the ditch from the existing site for a 1 in 100 year storm event. However due to the Sustainable Urban drainage system that has been proposed, it is very unlikely that any flows will leave the proposed development site, unless a storm with a greater magnitude of 1 in 1000 plus 30% climate change occurs, and this would have less than a 0.1% probability of occurring. All surface water calculations can be found in Appendix A.

The Surface water management strategy report includes a management and maintenance plan for all of the SuDs features proposed, however the ditch will also be managed and maintained regularly, and therefore also contributing to decreasing the risk of flooding downstream of the proposed development site.

4.0 Flood Risk Assessment approved by the Environment Agency

An original FRA (Flood Risk Assessment) was written by Nimbus Engineering Consultants Ltd in October 2015, as this was encouraged by the local authority due to residents having concerns regarding flooding within the area. The Environment Agency's (EA) online Flood map was consulted, and the proposed site location is shown as being in a Flood Zone 1, and this correlates with the fact that the Environment Agency had not originally asked for this FRA as a part of the planning process.

The Environment Agency were consulted with the original Flood Risk Assessment, their response outlined that part of the southern boundary of the site was thought to lie within a flood zone 2 and 3, and flood mapping should be ordered to clarify this. They also outlined recommendations for mitigation measures including proposed ground floor levels for the new dwellings and that safe access and egress be provided to the proposed dwellings, in the event of extreme flooding. The new mapping data has been received and shown on drawing number C1559-02 in Appendix B. As can be seen from the drawing, the proposed dwellings are out with the flood zone 3 area, and within

a Flood Zone 2 which has a 1 in 1000 year/0.1% probability of occurring in any given year.

The EA have asked for mitigation measures to be provided which are included in the original FRA report. As part of this they suggested that the ground floor levels be raised an additional 10cm from that previously proposed. These additional measures further ensure that a severe flood with just a 0.1% chance of occurring, would still not affect the fabric of the building.

It has been concluded that the proposed development does not impede any flood flows. The revised FRA has been approved by the EA as the proposed development will have absolutely no adverse effect on any existing historic flooding issues in Long Marston, and as such would represent no legitimate grounds for the application to not be approved. As discussed in section 2, the historic flooding issues in Long Marston are predominantly a result of existing and previously identified maintenance issues in the village, some of these issues, such as overgrown shrubbery in culverts would be significantly improved and remedied as part of the development. others however need to be formally and independently addressed and have no relevance to this application.

The surface water arising from this proposed development will be dealt with at source through the use of Sustainable urban drainage systems, which will not only provide treatment of the surface water run-off, but will also provide biodiversity and amenity value.

5.0 Flooding from Foul and Surface water sewers

The parish council raised concerns about flooding from sewers within the vicinity of the site. Thames Water were contacted and had no reported sewer flooding incidents within the vicinity of the site. As discussed in section 2, the surface water leaving the site will actually be reduced to 0 l/s the majority of the time, and the foul flow from 3 dwellings is calculated as an average of 0.14 l/s which will not be significantly increasing the burden on the existing foul sewerage network.

6.0 Maintenance plans

It is in everyone's interests that any flooding mitigation measures are maintained. The lack of maintenance to the existing culverts and resulting floods across the road is clear evidence of this. A management company will be formed, and a copy of the management maintenance plan for the SuDs measures at the proposed development site will be provided to ensure that there are no blockages of the system, and this plan will also include maintenance of the ditch adjacent to the proposed development site. As discussed previously this is currently in bad condition with overgrown shrubs which will impede surface water flows and reduce the capacity of the ditch. The client is proposing to clear this ditch and to provide the management company with a maintenance plan to ensure that it is maintained regularly, and especially after extreme storms.

The culverted ditches along Chapel Lane (please refer to photos in Appendix C) are where there have been recorded overflows in to roads. Whilst increasing flow rates at these locations, by unblocking infilled culverts, and keeping them clear should be heavily encouraged, the issue is being predominantly resolved by the implementation of this scheme. This is due to reducing the surface water run off leaving the site in extreme storms drastically being significantly reduced, as discussed in section 2. By

implementing this scheme they are not only having a neutral impact on the village but actually reducing flood risk over all, at the site and in the vicinity of the site.

7.0 Summary

Herts Environmental Agency have been working closely with the LPA and ourselves to ensure everybody is fully confident that any historic flooding issues are understood and that the proposals are indeed able to have a positive rather than negative effect. The Environmental Agency have also concluded that any potential flooding risk can be mitigated with the design proposals submitted and the specific conditions to be fully implemented prior to occupation.

They have concluded that the proposal and outlined conditions ensures the flow of flood water is not impeded and is not causing a loss of flood plain storage. This, therefore reduces the risk of flooding to the site and prevent flooding elsewhere.

In conclusion, by implementing this proposed development the client is actually reducing flood risk issues within the Long Marston Area

Further response from LLFA dated 29/09/2015

Following clarification from the applicant submitted in an e-mail dated 29 September 2015 that the site boundary has been altered to reduce the development area below 1 ha, classifying the development as 'minor', we would like to revise our previous comments as we are not a statutory consultee for minor applications.

However due to the recent flooding issues within Long Marston which was subject to a Section 19 Flood Investigation, we have asked the LPA to consult us on this application for us to be able to advise the LPA if the proposed surface water drainage scheme is acceptable and will not increase flood risk to the site and the surrounding area and where possible provide a betterment.

We therefore offer the following advice to the LPA based on the FRA carried out by Nimbus Engineering Consultants reference C-1526 dated August 2015 submitted with this application.

In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, we advise the following information is required as part of a surface water drainage assessment;

As the proposed development is applying for full planning permission the proposed layout will be fixed once planning permission is granted. It is therefore important that the above information is provided to ensure the proposed drainage scheme is designed at its optimum to maximise the opportunity for betterment and ensure there will be no increase in flood risk to the site and the surrounding area.

The majority of the existing development site is greenfield and therefore the proposed drainage should mimic the existing pre-development drainage within the site including providing greenfield run-off rates to reduce the strain on the existing drainage network within Long Marston. Long Marston village has a history of flooding as recently as 2014 and has been subject to a Section 19 Flood Investigation by the Lead Local Flood Authority. This has been acknowledged within the FRA.

The FRA has not provided any information on where the development site currently discharges to. We therefore cannot recommend to the LPA that the proposed drainage scheme is feasible. To do this the applicant needs to confirm the exact location of the existing method of surface water disposal from the site, undertake surface water calculations for the site area not just the proposed impermeable areas and demonstrate sufficient attenuation can be provided for all rainfall events up to and including the 1 in 100 year + climate change event.

The surface water calculations should demonstrate that there will be no flooding from the proposed drainage system at and below the 1 in 30 year rainfall event and cater for up to the 1 in 100 year + climate change event where possible. Any flooding from the system above the 1 in 30 year event should be shown on a development plan, showing the extent, depth and flow path of the flooding, demonstrating that it can be safely contained within the site. As there is currently no drainage plans and calculations we cannot recommend to the LPA that the site itself is not at risk from flooding from surface water from the proposed drainage system

If the current discharge point is to the main river which runs via a culvert under the existing entrance of the site, the applicant will need to confirm the condition of this discharge point, making sure it is fit for purpose. The proposed drainage scheme will also need to consider what will happen to the discharge of surface water if the main river culvert is at full capacity to assess the risk of water backing up in the system.

The applicant will need to provide a detailed surface water drainage plan showing the exact location of any proposed SuDS measures and any associated infrastructure showing how this serves all built areas including the access road. We recommend a minimum of two SuDS treatment stages should be provided for areas draining roads and driveways to mitigate the increase in diffuse pollution from the site.

As the area of Long Marston is already at risk of flooding from fluvial and surface water sources, there may be an opportunity in addition to providing greenfield run-off rates, to provide betterment to the flooding utilising the parcel of land containing the new access road. We ask that the applicant to consider this as part of the surface water drainage assessment.

We note that it has been assumed the underlying geology is clay based on BGS data and a local borehole within the vicinity of the site. It has also been acknowledged that there may be high ground water based on the findings from the Section 19 Flood Investigation. However neither of these assumptions has been confirmed. We recommend this should be assessed further as part of the surface water drainage assessment as this may affect the viability of the proposed drainage scheme and increase flood risk to the site and the surrounding area if it is not understood and managed properly.

As there is no topographical information and assessment of overland flows within the FRA, we are not able to identify the direction of where surface water currently flows, ensuring that any new development can manage these flows without increasing flood risk elsewhere. This information should also expand to identifying post development exceedance flows for rainfall events above the 1 in 100 year + climate change event, ensuring they can be catered for within and through the development site.

We acknowledge the proposals for the implementation of permeable paving and under drained swales which we consider to be sustainable drainage measures and consider both of these methods as treatment methods for mitigating any diffuse pollution. It

should be confirmed whether these two methods are linked to provide 2 treatment stages for the surface water run-off from the development.

For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpage <http://www.hertsdirect.org/services/envplan/water/floods/surfacewaterdrainage/>

Informative to the applicant

Please note any works taking place within and/or over the culvert or within 8m of the top of bank of the Main River will require prior written consent from the Environment Agency under the Water Resources Act regardless of any planning permission.

Informative to the LPA

The above comments are provided as advisory comments on a minor application. However due to the existing problems with flooding within Long Marston the LLFA are happy to continue to provide advise on this application should any further submissions be made to the LPA to address the above concerns.

If the LPA wishes to discuss these comments further they can contact the case officer directly below.

Lead Local Flood Authority 16/05/2016

Thank you for re-consulting us on the above application for 3 new 4-bedroom houses to the land behind Loxley farm with access from Astrope Lane. As it is a minor application the LLFA are not a statutory consultee and we can only offer advice to the LPA.

We advise the LPA that the additional information provided by Nimbus reference C1559 dated March 2016 in relation to surface water does demonstrate the proposed development site can be adequately drained.

We note the proposed strategy is based upon attenuation and discharge into the ditch located west of the site. The drainage strategy provides evidence of a clear management and treatment train for the SuDS system. The drainage strategy has been shown on a layout plan and has been designed for the 1 in 100 year plus climate change with the use of a retention basin, permeable paving and raingardens. Additional swales have been included to intercept overland flow from adjacent properties. Any run-off from the site will be controlled at 2.5l/s and with required attenuation calculated as 34.7m³.

The plans for remediation works for existing ditches have been confirmed and a maintenance plan for the drainage system has been included. We therefore recommend the following conditions to the LPA should planning permission be granted.

LLFA position

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved FRA carried out by Nimbus reference C-1526 dated

August 2015 and Surface Water Management Strategy reference C1559 dated March 2016.

1. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Implementing appropriate SuDS measures as indicated on drawing C1559-01 with the use of permeable paving, retention basin and rain garden with discharge into the watercourse.
4. Providing swales as shown on drawing C1559-01 to intercept any overland flow.

Secure remediation works for existing ditches prior to development commencement to ensure that they shall be kept clear of any obstruction to maintain any surface water flood flow.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

Condition 2

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro- geological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + 30% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

1. Detailed drainage plan showing the location, size and engineering details of the proposed SuDS, pipe runs, manholes etc.
1. Detailed modelling of the drainage system to support the proposed drainage strategy.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent the increased risk of flooding, both on and off site.

Informative to the LPA

Please note we have concerns regarding surface water flooding in this area.

The LPA will need to be satisfied that the proposed drainage strategy will be maintained and managed for the lifetime of the development.

Environment Agency 27/08/2015

We **object** to the proposed development as submitted because it involves the use of a non-mains foul drainage system in a publicly sewered area but no justification has been provided for this method of foul sewage disposal.

Reason

The installation of private sewage treatment facilities within publicly sewered areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems.

There are foul sewer mains within 80 metres from the proposed development on Chapel Lane and within 60 metres of a pumping station to the west behind "Newbridge". We would expect the applicant to consider connecting to this first and to have contacted Thames Water.

Resolution

To overcome our objection the applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

Formally approach the sewerage undertaker or serve notice regarding a connection under section 98, section 104 or section 106 of the Water Industry Act 1991, as appropriate.

Provide details of the terms upon which the sewerage undertaker is willing to enter into an agreement under section 104.

Provide details of the undertakings, security and payment required by the sewerage undertaker under section 98 of the Water Industry Act 1991. They must provide these together with confirmation that the applicant

Environment Agency 1/10/2015

In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to the grant of planning permission and recommend refusal on this basis.

Reason The FRA submitted with this application does not comply with the requirements set out in the Planning Practice Guidance. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

Consider the effect of a range of flooding events including extreme events on people and property.

Consider the requirement for flood emergency planning including flood warning.

Explanation

The submitted FRA states that the site lies within Flood Zone 1. However, our mapping shows that part of this site is within Flood Zone 2, with a small portion in Flood Zone 3. The existing stable block which is proposed to be replaced by house 1 is partly within Flood Zone 2 and just bordering onto Flood Zone 3. From the plans in appendix A of the FRA, it would seem that house 1 is closer to the boundary line than the existing stable block. The flood plan used in the existing FRA is a screen shot from our flood mapping pages. These are inappropriate for use in an FRA where a building within the planning context is located within Flood Zones 2 or 3.

Resolution

The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application.

Environment Agency 13/06/2016

We have reviewed the Flood Risk Assessment sent by Nimbus Engineering Consultants LTD on 24 May and requested further information in regards to the flood outline and development location. Until this is received we are unable to remove our objection.

Environment Agency 27/07/2016

We have now received an updated site plan (P094_SP_01 REV P3 Loxley Farm, Long Marston: PROPOSED SITE PLAN. 26/07/2016), and provided you are happy to accept this new layout, we are happy to remove our objection. This is because the position of House 1 now falls outside of the Flood Zone 3 outline.

Condition

The development permitted by this planning permission shall be carried out in accordance with the following mitigation measures:

- Finished flood levels are set no lower than 0.7 metres above Ordnance Datum.
- There shall be no raising of existing ground levels within Flood Zone 2 or Flood Zone 3.
- Any walls or fencing constructed within Flood Zone 2 and Flood Zone 3 shall be designed to be permeable to flood water.
- There shall be no storage of any materials including soil within the Flood Zone 3 area.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. **Reason** To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage.

Development Services – Hertfordshire County Council 10/08/2016

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date for the erection of 3 x 4-bedroom residential dwellings we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All dwellings must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the need for hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

The Section 106 template documents appended to the Toolkit include the standard planning obligation clauses. However, since this document was published this wording has been amended as set out in the attached document.

Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: www.hertsdirect.org/planningobligationstoolkit

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

- (i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All dwellings must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

A Section 106 legal agreement would be the County Council's preferred method of securing fire hydrants. However, it is recognised that Dacorum Borough Council is intending to scale back the use of such agreements. If a Section 106 agreement is not otherwise anticipated for this development we would seek the inclusion of a condition to the planning permission. We would propose wording as indicated below:

"Detailed proposals for the fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and in accordance with the approved details thereafter implemented prior to occupation of any building forming part of the development."

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision. We would also seek to be informed of any decision notice which includes the provision of infrastructure via condition.

Hertfordshire Highways – 20/08/2015

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1) Best practical means shall be taken at all times to ensure that all vehicles leaving the site during demolition and construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway.

Reason: To minimise the impact of construction vehicles whilst the development takes place

2) All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.
Reason: In the interest of highway safety and free and safe flow of traffic.

3) Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority,

which clearly demonstrate how refuse is to be collected from the site. Reason: The above condition is required to ensure that refuse collection does not have a significant adverse effect on the safety and efficiency of the highway and to ensure that compliance with standards in 'Roads in Hertfordshire – highway design guide' is achievable at all times.

4 Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway. Reason: In the interest of highway safety.

HIGHWAY INFORMATIVE: The highway authority require any works to be undertaken on the public highway to be by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact www.hertsdirect.org or telephone 0300 1234 047 for further instruction on how to proceed. This may mean that the developer will have to enter into a legal Section 278 agreement to carry out the improvement works as shown on the submitted plan including cutting back the hedging and creating the widened and improved vehicle crossover access.

Highway Comment The above scheme follows on from the pre application made last year to construct three new detached dwellings with a new access road connecting onto Astrope Lane via a simple but existing vehicle crossover. Astrope Lane is an unclassified local access road, L2 numbered 2u11/20 with a 30mph speed limit at the point where it passes this vehicle crossover that will form the start of the access road. Looking at the rolling 5 year collision data whilst there is one serious collision shown at the junction of Astrope Lane and Tring Road but this is unlikely to have any meaningful bearing on the proposed development. The applicant is proposing to widen and improve the simple vehicle crossover, hence the informative above about working on the highway and the requirement of a S278 agreement. The LPA may wish to consider a Grampian style condition that would make the developer construct the access road first before construction of the homes begins. Off street parking is recorded on the application form as being 13 spaces but the level of off street parking is a matter for the LPA to determine. The applicant will have to demonstrate how the refuse will be collected from the dwellings and that the site is accessible to service vehicles. Tracks runs on a suitably scaled drawing have been supplied but the carry distances involved, if the refuse vehicle is not going to enter the site, seems excessive.

Conclusion

The highway authority in principle has no objection to the construction of these houses. On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway Authority has no objection subject to the above conditions to the grant of permission.

Hertfordshire County Council – Archaeology

The proposed development site lies within Dacorum Area of Archaeological Significance No 12, which notes that Long Marston is a medieval settlement. An area of extant ridge and furrow (HER6165) survives immediately SW, whilst a well preserved medieval moated manorial site (HER2611) and remnants of adjacent medieval Church of All Saints (HER4374) lies 150m W. The development is proposed for an area of land to the rear of Loxley Farm (LB355757, HER17128), a grade II

Listed Building, dating from the early 16th century. It is reasonable to suggest, given its position that this structure/site could have medieval origins.

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

- 1 the archaeological field evaluation via a process of 'strip, map and record' to the archaeological horizon, of the proposed building footprints, and the archaeological monitoring of removal of the existing slab (of buildings to be demolished), and of any other areas which will be the subject of significant ground disturbance, e.g. drainage, services, enlarged access etc.
- 2 the archaeological investigation of any remains encountered during this process, and a contingency for the preservation of any remains *in situ*, if warranted.
- 3 the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive, and if appropriate, a publication of these results.
- 4 such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 141, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and the recently issued Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

Trees and Woodlands

I do not object to proposals at Loxley Farm, Chapel Lane, Long Marston.

The construction of three new dwellings and the division of the site will affect existing trees, scattered across the plot. However, it is intended to retain all trees and to supplement them with new plantings of Birch, Hazel and Oak.

Whilst plans and views of the site pre and post development have been indicated in submitted documentation, there is little information related to trees through the demolition and construction phases of the project. It is during these phases that damage is likely to be caused to retained trees.

Documentation conforming to British Standard 5837:2012 'Trees in relation to design, demolition and construction – recommendations' should be submitted, including a tree survey, tree constraints plan and tree protection measures.

Detail should also be submitted of the 'central shared rainwater tank' location and associated pipework. The installation of pipework across the site could damage the roots of existing trees it is intended to retain.

With care, existing and new trees together could provide an interesting aesthetic back drop around new dwellings. Proposed species would add positively to the site, with

varying seasonal colour and canopy size.

Hertfordshire Biological Records Centre

Thank you for consulting Herts Ecology on the above, for which we have the following comments:

1. Following our pre-application advice, various ecological surveys have been undertaken of the site.

2. No habitat of significant interest was considered to be present on the site following the Phase 1 Habitat Survey. From the information within the ecological report, this view would seem reasonable.

3.1 No evidence of bats was discovered by the Inspection surveys but activity surveys identified one common pipistrelle using Building 1 for what is likely to be a small day roost. Compensation has been recommended in the form of two bat bricks which will be installed in one of the new proposed dwellings, providing compensatory habitat for the loss of the small roost.

3.2 Furthermore, any lighting of the development site will need to ensure the hedgerows are not affected so as not to disrupt the foraging use of these features by bats.

3.3 I consider the bat surveys and recommendations to be adequate. Consequently the third Habitat Regulations test can be satisfied with respect to bats. An EPS licence will be needed given the demolition of a roost and I have no reason to believe this will not be obtained.

4.1 Great crested newts have been previously recorded from the adjacent pond within the school grounds. They were shown to be still present in this and two other ponds, supporting a high meta-population of GCN likely to be well over 100 individuals. The associated terrestrial habitats and their connectivity would be important for helping to support this population.

4.2 A 90 day trapping programme for translocation is proposed to remove GCN from the development site although none of the ponds themselves will be directly affected. A newt fence is proposed to be provided around the whole development site to enable this and to ensure that subsequently, individuals cannot access the development site. This will avoid encounters with the dangerous activities and storage of materials that they may otherwise find suitable for refuge. This approach follows Natural England's Standing Advice.

4.3 The proposed landscaping will provide local habitat improvements within the site. However, it will not compensate for the loss of terrestrial habitat identified in para 91 of the report, namely the loss of grassland, although gardens and native planting will be created. Whilst of little intrinsic interest, I consider that this loss will reduce the extent of terrestrial habitat resource available for newts locally, as well as degrade its quality given that the residential gardens are highly likely to be intensively managed and will be a poorer substitute for the habitats currently present. However I acknowledge that they could provide some potential habitat and that, overall, the present development is relatively limited.

4.4 The potentially highly damaging impact on connectivity between the ponds is recognised, for which mitigation and compensation is proposed. This includes two focussed underpasses beneath the access track, which would help avoid casualties on the road.

4.5 A newt hibernacula and additional terrestrial habitat has also been proposed. I consider this will provide an enhanced habitat resource locally.

4.6 The measures outlined above reflect the high significance of the local newt population and seek to provide mitigation and enhancement measures. This is consistent with Natural England's Standing advice although I am unconvinced that the habitat compensation will provide a comparable resource. Monitoring is proposed and this would help to determine the success of the enhancements.

4.7 An EPS licence will be required for the works and I have no reason to believe it would not be obtained. Consequently the third Habitat regulations test can be satisfied with respect to Great-crested newts.

5. On the basis of the above, I consider the impact on the European Protected Species directly and indirectly affected by the proposals has been assessed and appropriate recommendations made, sufficient to satisfy the third Habitats Regulations test. Consequently the LPA may proceed with determination.

6.1 Barn owl pellets and droppings were identified in Building 1 and seen flying around the fields on and off site, although not recorded using the buildings during the surveys. There is no evidence of breeding in the building.

6.2 The development will lead to a loss of an occasional roost as well as some local foraging habitat, although a nest box will be provided to compensate for the loss of the roost. The local habitat for small mammals currently available within the application site is unlikely to be replicated by the housing development although the loss of this may not be significant for barn owl foraging.

7. The mature hedgerows which border the site are locally important and would provide shelter and dispersal routes for the local newt and bat populations.

8. No reptiles were found during the site surveys but if discovered during GCN trapping they will be translocated and accommodated alongside the GCN mitigation, which are broadly equally appropriate.

10. Badgers do not appear to be an issue on this site. Evidence of occasional foraging has been recorded and a single large hole is present but there is no evidence of active use by any mammal. Mitigation measures have been provided and a watching brief will monitor any changes to this situation and provide appropriate advice as necessary.

11. In summary I consider the Ecological Impact Assessments to be thorough. Surveys are sufficient to describe the ecology of the site; appropriate recommendations provided which are consistent with NE's Standing Advice and best practice. Whilst I believe the development will reduce the ecological resources present locally, I have no reason to consider appropriate licences will not be issued as necessary and that the Habitats Regulations third test cannot be satisfied.

12. I am not aware of any other ecological issues associated with these proposals for which I have any significant concerns.

Thames Water 4/08/2015

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

8 Marston Court 16/05/2016

As residents of Marston Ct for 16 years we have witnessed both the floods in 2003 and 2014. We lost both our cars that were parked at the back of Marston Ct due to the latter flooding. To this date the flooding in Long Marston has not been addressed satisfactorily and any further houses in the near vicinity will only add to the already fragile drainage system we have in the village. To add a further three houses plus additional roads and turning circle will only compound this issue and to this end I would like to formally object to the proposed planning revision as it would only impact negatively on it he village.

Palmers Barn 11/05/2016

As a local resident of 10 years I am more than familiar with the nature of the land in question and how it and the immediately adjacent area (which is flood plain) is severely affected by heavy rainfall.

Whilst recent reports indicate that the local sewerage system should be able to cope with 3/4 more dwellings, it is more the fact that village sewerage system, local stream and storm water provisions are interconnected and as such woefully inadequate during heavy rainfall. This has caused major flooding to properties in the village on more than one occasion in recent years and common sense alone would therefore suggest

that any additional building in this particular area will only worsen a situation that has yet to be resolved despite a County Council and Flood Agency investigation.

Barn One, Chapel Lane

We write in respect of the above planning application relating to the proposed housing development at Loxley Farm, Long Marston.

We also refer to the recent Section 19 Flood and Water Management Act 2010 report , dated 2014 conducted by Herts County Council Flood Risk Management Department.

We request that details of the proposed development are referred to the Flood Risk Management Department at Hertfordshire County Council ,so that checks can be made regarding the location in relation to the latest flood risk maps, as well as the surface water discharge proposals.

The proposed development we understand, also involves the construction of a link access road to the rear of the village school. The access road plus parking areas and house roofs will provide impermeable areas which will generate a significant rainfall run off to a localised area, which is subject to flash flooding. In this situation we understand that measures must be taken such that storm water run- off from the developed site should not exceed the storm run -off that currently exists from the green field site.

We trust that a satisfactory proposal to deal with this problem (approved by Herts County Council) will be required and documented in order to achieve planning permission.

As local residents we have seen flood water adjacent to this site. Construction of houses and an access road adjacent to Loxley Farm would exacerbate the threat of flooding to neighbouring properties.

Please accept this letter as a formal objection to the proposed planning application

Foxleas 06/08/2015

As has been well documented in the Section 19 Flood and Water Management Act 2010 report dated 2014 and conducted by Herts County Council, Long Marston has been subject to flooding over recent years. The planning proposal states that ' Loxley Farm lies outside the flood risk zone and should not be considered at risk of flooding. However, flooding has occurred on several occasions between 2003 - 2014 during our occupation as immediate neighbours, which has impacted Loxley Farm, our property and adjacent properties. Flood water from the South East (rear of Loxley Farm) as well as the North West (Station Road) and entered the boundaries of our property and into Loxley Farm itself. As stated in the Section 19 report, there is no one solution to the flooding in Long Marston or any guarantee that it can be prevented and therefore, flooding again in Long Marston is inevitable and would appear from our 26 years in the village and statistics, to be an increasingly more frequent occurrence.

The planning application claims that the proposed scheme 'will address flooding'concerns however, we believe the opposite to be true and that it will exacerbate the impact of flooding. Whilst, the retention of all existing trees and plantation of new, coupled with the introduction of swales are acknowledged, the

planned development will offer little mitigation to the erosion of natural flood plain and drainage that the land currently provides. Removal of soil which provides natural drainage through the development of 3 properties with parking, turning circles and a courtyard, the natural flood plain that the land presently affords to the South East Farm will be compromised. Consequently this increases the risk of flooding to our property, adjacent listed properties and indeed Loxley Farm itself. Please accept this letter as formal objection to the proposed planning application.

Foxleas 13/05/2016

We write in respect of the above revised planning application regarding Loxley Farm, Long Marston and the notice issued to our home address dated 3rd May 2016.

As has been well documented in the Section 19 Flood and Water Management Act 2010 report, dated 2014 and conducted by Herts County Council, Long Marston has been subject to flooding over recent years.

However, flooding has occurred on several occasions between 2003 - 2016 during our occupation as immediate neighbours, which has impacted Loxley Farm, our property and adjacent properties. Flood water entered from the South East (rear of Loxley Farm) as well as the North West (Station Road) and entered the boundaries of our property and into Loxley Farm itself.

Indeed as recently as Easter 2016, the land for proposed development was flooded after minimal rainfall, as can be seen in the 2

photos below.

As stated in the Section 19 report, there is no one solution to the flooding in Long Marston or any guarantee that it can be prevented and therefore, flooding again in Long Marston is inevitable and would appear from our 26 years in the village and statistics, to be an increasingly more frequent occurrence.

At present minimal rainfall not only floods Station Road and its junction with Chapel Lane, the pumping station frequently reaches hydraulic capacity and cannot deal with the volumes of water, exacerbated by the intrusion of surface water into the dated sewerage system. This impacts us, our neighbours and numerous houses in Chapel Lane who due to the sewerage backing up cannot flush their toilets or use their showers, baths or sinks.

Thames Water responded to several households after the Easter rain when the drains once again backed up. This is a regular occurrence and Thames Water have acknowledged that the pumping station is unable to cope. How can Thames Water therefore consent to additional loading when the present infrastructure cannot cope?

The planning proposal states that Loxley Farm lies outside the flood risk zone and should not be considered at risk of flooding.

How can this statement be made within the application given the experience of the residents who have witnessed flooding first hand as outlined above?

Paradoxically, the planning application then goes on to state that the proposed scheme will address flooding concerns. However, this could only be fulfilled if the current flooding issues in Long Marston were being addressed or this planning application was helping to address them.

Despite the S19 report, this is still not the case and Long Marston continues to flood, with no active plans for any corrective action. Furthermore, this planning application does nothing to redress these problems, it merely adds to them!

The development on land which presently acts as a flood plain and permeates the surface water will significantly compromise this measure, making the ramifications of flooding worse. Furthermore the proposed surface water management strategy assumes that running off into a tributary of the Tring Bourne will not increase flood risk.

The Tring Bourne is already unable to cope with volumes of water after significant rainfall, as demonstrated in 2014, therefore this strategy would appear to be flawed and further compounds an existing problem.

Whilst the retention of all existing trees and plantation of new, coupled with the introduction of swales and raingardens are acknowledged, the planned development will offer little mitigation to the erosion of the natural flood plain and drainage that the land currently provides.

Removal of soil which provides natural drainage through the development of 3 properties with parking, turning circles and a courtyard, the natural flood plain that the land presently affords to the South East of Loxley Farm will be compromised.

The proposed pond is a potential source of flooding to the proposed new builds given the volumes of water witnessed over previous years. Whilst it might offer a temporary storage facility to assist with flow attenuation during normal conditions, it will not be an adequate surface water drainage mitigation during prolonged periods of rainfall as experienced all too frequently in recent years.

Consequently, in our opinion, this application increases the risk of flooding to our property, our neighbours properties, adjacent listed properties, Loxley Farm and indeed the 3 new builds themselves.

Chapel Lane 01/11/215

Please be advised that the area that is to be built on had a very large tanker to pump out water for several hours on Friday.

The previous owners of Loxley Farm have built a very large soak-away filled with gravel to help with the water flooding. This I believe will be built upon. Will the planning insist that this soak away, probably 30x30 metres next to the pond will be kept? I have concerns over this project. The very fact that surface water is already needing to be pumped away is a worry.

Chapel Lane 27/10/2015

I have lived in the lane for a number of years. I have seen Loxley farm flood on a number of occasions. The garden in particular is often submerged in water. The field is so deep cattle cannot graze in it. The Decorum council are fully aware of the flooding, yet the application appears to report no flood risk. I am concerned that the increased housing will not only reduce the flood drainage area but I have concern that there will be even more flood victims. I have tried to sell my home for a long time, each time flooding comes back as a problem. I just would like you to think about the potential risks and flood prevention and recovery plans that need to be put in place before to be put in place in our village. The turning circle for the school is a lovely gesture.

Marston Court 19/08/2015

Objection due to the loss of natural habitat for local wildlife including the great crested newts, bats, owls and badgers that thrive within the area of the submitted planning application, the newts need both aquatic and terrestrial habitat, favouring areas of lowland that contain medium sized ponds, rough grassland, scrub and woodland even though they have a pond which is vital for their breeding they spend much of their lives on land, the management of the land that surrounds the pond is crucial to their survival. The bats and owls use the barns/stables to roost. The land that is proposed for development is their home. There is no guarantee that the newts, bats, owls and badgers will not be affected by this planning application including the proposed road and traffic that will cross the grasslands. We as a community should be conserving and enhancing the homes of our local wildlife helping to increase their population not planning to build on and destroy it.

The residents of Long Marston have experienced serious flooding on many occasions, with ourselves at Marston Court being severely affected. The proposed development is in an area of serious flood risk, what will not only impact the proposed new homes but will have an adverse effect on the homes already here. If more homes are built what will be the impact/strain on the already old, poorly maintained drainage system that already cant cope within the village of Long Marston.

We object to the type and style of the homes proposed, they do not fit in within the conservation area nor are they of an affordable nature. They do not enhance or preserve our village; this application does not allow our rural character to be retained.

The proposed new road opens on to the very busy country lane (Astrope Lane) especially since the opening of the A41 in Aston Clinton Astrope Lane has become a rat run full of passing through traffic. There are no pavements available for local residents, no traffic management or crossings creating safety concerns for both pedestrians and motorists.

The proposed access road across the grassland to the rear of our properties will also cross a very busy and well used public footpath creating risk to the general public, their pets and the wildlife that currently thrives here.

1 Marston Court

I write in respect of the above revised planning application regarding Loxley Farm, Long Marston and the notice issued dated 3rd May 2016. As has been well documented in the Section 19 Flood and Water Management Act 2010 report, dated 2014 and conducted by Herts County Council, Long Marston has been subject to flooding over recent years.

However, flooding has occurred on several occasions between 2003 – 2016 during my occupation as an immediate neighbours, which has impacted Loxley Farm, our property and adjacent properties. Flood water entered from the South East (rear of Loxley Farm) as well as the North West (Station Road) and entered the boundaries of our property and into Loxley Farm itself.

Indeed as recently as Easter 2016, the land for proposed development was flooded after minimal rainfall, as can be seen in the 2 photos below.



As stated in the Section 19 report, there is no one solution to the flooding in Long Marston or any guarantee that it can be prevented and therefore, flooding again in Long Marston is inevitable and would appear from our 26 years in the village and statistics, to be an increasingly more frequent occurrence.

At present minimal rainfall not only floods Station Road and its junction with Chapel Lane, the pumping station frequently reaches hydraulic capacity and cannot deal with the volumes of water, exacerbated by the intrusion of surface water into the dated sewerage system. This impacts us, our neighbours and numerous houses in Chapel Lane who due to the sewerage backing up cannot flush their toilets or use their showers, baths or sinks.

Thames Water responded to several households after the Easter rain when the drains once again backed up. This is a regular occurrence and Thames Water have acknowledged that the pumping station is unable to cope. How can Thames Water therefore consent to additional loading when the present infrastructure cannot cope?

The planning proposal states that “Loxley Farm lies outside the flood risk zone and should not be considered at risk of flooding”.

How can this statement be made within the application given the experience of the residents who have witnessed flooding first hand as outlined above?

Paradoxically, the planning application then goes on to state that the proposed scheme “will address flooding concerns”. However, this could only be fulfilled if the current flooding issues in Long Marston were being addressed or this planning application was helping to address them.

Despite the S19 report, this is still not the case and Long Marston continues to flood, with no active plans for any corrective action. Furthermore, this planning application does nothing to redress these problems, it merely adds to them!

The development on land which presently acts as a flood plain and permeates the surface water will significantly compromise this measure, making the ramifications of flooding worse. Furthermore the proposed surface water management strategy assumes that running off into a tributary of the Tring Bourne will “not increase flood risk”.

The Tring Bourne is already unable to cope with volumes of water after significant rainfall, as demonstrated in 2014, therefore this strategy would appear to be flawed and further compounds an existing problem.

Whilst the retention of all existing trees and plantation of new, coupled with the introduction of swales and raingardens are acknowledged, the planned development

will offer little mitigation to the erosion of the natural flood plain and drainage that the land currently provides.

Removal of soil which provides natural drainage through the development of 3 properties with parking, turning circles and a courtyard, the natural flood plain that the land presently affords to the South East of Loxley Farm will be compromised.

The proposed pond is a potential source of flooding to the proposed new builds given the volumes of water witnessed over previous years. Whilst it might offer a temporary storage facility to assist with flow attenuation during normal conditions, it will not be an adequate surface water drainage mitigation during prolonged periods of rainfall as experienced all too frequently in recent years.

Consequently, in our opinion, this application increases the risk of flooding to adjacent properties, adjacent listed properties, Loxley Farm and indeed the 3 new builds themselves.

I would also add that the field which is an integral part of the Loxley development in which the road giving access to Astrope Lane is to be constructed, as well the proposed turning place for the school bus, has a valuable eco system. There are crested newts in the pond. I have frequently seen bats and barn owls in this field, foxes, hedgehogs and numerous other birds such as jackdaws and house martins. Wild ducks also visit the pond. The construction of a road for whatever reason would be invasive and intrusive and have an adverse effect on the wildlife. I therefore strongly object to this planning application on this basis as well.

Kindly therefore accept this letter as my formal objection to the proposed planning application.

Barnside, Chapel Lane 17/05/2016

I understand that you are the Planning Case Officer for the Loxley Farm Planning Application - 4/02678/15/FUL. I am writing to you as I have significant reservations about the viability and environmental safety of this development and I would be very grateful if you can consider the points below in your evaluation of the scheme.

- Station Road, Chapel Lane, the rear of Loxley Farm and the fields adjoining the proposed Loxley Farm development are prone to flooding, even after relatively small amounts of rainfall. During the last major flood event in 2014, the flooding was so bad that at least 6 homes in the village were flooded and three different families had to move out of their houses for over nine months while substantial repairs to the affected properties were carried out. Since this time, absolutely no flood prevention or flood mitigation schemes have been put in place, and yet we are now proposing to build three new, large houses in the heart of this flood plain. The hardstanding for these new houses, as well as the access road to serve them will only exacerbate the risk of flooding and place additional load on the surrounding ditches and dykes - which have already been proved to fail. In short, proceeding with this development is only going to increase the flood risk in the centre of Long Marston and Chapel Lane, resulting in more damage to properties and families having to move out of their homes for protracted periods of time.
- My understanding is that the developers have proposed a sustainable drainage plan for the site (attenuation pond, swales, rain gardens etc.) and that these will

be maintained by the new house owners. The success or otherwise of these proposed safety measures seem to centre around a regimented and long-term series of physical, gardening activities. Speaking as a householder whose property is placed directly at flood risk by this development, I am concerned that basing the success of this scheme on the new property owners tirelessly following the documented schedule seems a high risk and naive strategy. What if some of the owners are elderly and unable to perform these duties?

- In the event of prolonged rainfall, excess surface water from the proposed development will overflow and be discharged into the ditch which runs past the rear of my property, increasing the risk of flooding in my rear garden and in turn to the rear of my property. The water from this ditch will then discharge into the brook by the cattle drink, causing contention with surface water draining from other areas including Chapel Lane - which will then increase the risk of waters backing up in Chapel Lane - causing greater risk of flooding to the properties in Chapel Lane (a number of which were flooded out in 2014).
- The sewerage pumping station in Chapel Lane, maintained by Thames Water, has been proven to be wholly inadequate in coping with flood events. Its handling capacity is already overloaded by the number of houses which feed into it (its sewerage catchment area already extends beyond the properties in Long Marston), so connecting yet another three large homes to it is only going to exacerbate the existing capacity problem. Furthermore, when flood events occur, surface water leaks into the sewerage system. The pumping station, already under pressure, cannot cope and the entire sewerage system surcharges, causing raw sewage to leak out from manhole covers in the street and downstairs toilets in people's homes to overflow. Do you really want to approve the connection of sewerage from three new, large homes to this already failing system?
- In the latest planning application, the drop-off / pick-up Access Point for Long Marston Junior School has been removed. This was the only part of the scheme which offered any tangible benefit to the village. Please can you explain the reason of this late withdrawal ?
- I have recently spoken to many other residents in the village who have significant concerns with this scheme, but who are not clear on how to raise their objections / concerns. Perhaps you should extend your period of investigation for another 30 days and post some information in the Village Newsletter explaining how people can raise their concerns?

Finally, in summary, proceeding with this development is going to increase the flood risk to houses in the centre of Long Marston and most critically, Chapel Lane. I respectfully ask that you consider the needs and well-being of the existing village residents and decline this planning application

Natterers Barn, Chapel Lane 17/05/2016

- Thames Water Pumping Station

The capacity of the station is at present inadequate for the existing properties it serves. There is sufficient evidence on record to support this statement. Thames Water needs to update the capacity of the system before any additional demand on it is approved.

- Surface Water Management

The development area is immediately adjacent to a flood plain.

There is no evidence that the schedule of works, the management and maintenance plans to prevent flooding and the arrangements to secure the operation of the scheme during its lifetime – have yet been approved and adopted by the appropriate public authority or statutory undertaker.

The proposed removal of water from the site is into a tributary of the Tring Bourne. These watercourses, marked A to C on the plan, are on private land and any clearance works and ongoing maintenance, including access, would require prior agreement with the landowners. This has not been sought or achieved.

l) Conclusions

It is stated that the use of SuDS and the anticipated run off will not increase the flood risk in the culverted section of the Tring Bourne, but it is silent about the increased risk to the open sections marked A to C on the plan.

13 Marston Court 20/08/2015

I have concerns about the above planning proposal on several grounds.

(1) Drainage. Long Marston has experienced severe flooding in the past. Investigations indicated that

the drains for surface water were inadequate and needed to be upgraded, but nothing has been done. The introduction of 4 new houses plus the access road will mean less soak-away and more water going into the already over-loaded drains. Inevitably this will cause future flooding and this in turn will mean increased insurance costs for residents - if, in fact, we will still be able to obtain cover.

(2) Wildlife. The proposal includes a new access road across a field which has always been rough pasture. This field also contains a pond which is the breeding site for newts. The stable block which will be demolished to make way for the 4 large houses is the residence of a colony of bats and at least one barn owl. All these relatively rare creatures will be drastically effected if not obliterated by the proposed development.

(3) Traffic. Introducing a new side-road onto Astrope Lane will inevitably exacerbate the issue of speeding traffic using the narrow, winding lane - which has no pedestrian pavements - as a short cut and "rat-run" at busy times of the day. The proposed access road will also cut across a much-used and valued public footpath which is a safe and secure route for dog walkers and playing children.

(4) Type of development. The proposed houses, having 4 bedrooms each, will be beyond the reach

of most residents and their children. All three of my own sons have had no option but to leave the village of their childhood and upbringing.

It seems to me that this proposed development is entirely driven by profit, with no regard or interest in the needs of the village or on the adverse impact on the environment and community.

Rose and Crown Cottage 16/05/2015

I am writing to object to the above planning application for a housing development in Long Marston. As you will be aware Long Marston is a high risk flood area and residents have suffered greatly in past years. We do not yet have a solution to the problem or indeed even an agreed way forward.

The drainage plans submitted show a complete lack of understanding regarding the severity of the flooding issue as well as the geographical challenges and the inadequate water management systems in the area.

To allow a development that has demonstrated such ignorance of the proposed building site and the associated drainage problems that could seriously impact all property in the area, including the new build, would be completely irresponsible.

It would show nothing but contempt for the residents who have suffered greatly in the past due to flooding in this area that such a poorly informed building development will only exacerbate.

Longridge, Station Road 14/08/2015

We received a notification of the above planning application and have the following concerns:

1. The proposed houses are intended to be built on a flood plain, this area has flooded a number of times, as recently as last year. We are concerned as to what is being done to ensure more water is not redirected to the centre of the village.
2. There are a number of well established trees that border the school field adjacent to the proposed site. We are concerned that they are kept as they are as they are integral to the local conservation area.

Our address is: Longridge, Station Road, Long marston, HP 234Q

We hope these concerns are addressed as part of the planning consultations

No address given

I am writing to express my concerns with the above application and the potential implications for the village of Long Marston as a whole.

You will be very aware I am sure of the terrible flooding we suffered last year. Water rushed through the village and into houses causing tens of thousands of pounds worth of damage. At least two families to my knowledge were in rented accommodation whilst their family homes were repaired for some time afterwards, one may still be.

And why did this happen? Why were the 'plans' for such event not able to cope?

The truth is that no-one knows. I have attended meetings and read reports from a variety of so-called experts and no-one will hold up their hand to take responsibility nor offer an explanations as to why.

What is clear is that the water had nowhere to go. The drains could not cope, the road-side ditches could not cope. The water had nowhere to soak away so ran along the roads and into people's houses. If the same circumstances occurred again tomorrow, the village would flood again.

So with that scenario in mind, how can an application to build more houses, to create

more hard standing and less soak-away areas be seriously considered? It would strike me as unfair on the potential extra flood victims moving into these new properties, let alone the village as a whole.

Until there is clarity as to what caused the flooding and what action is to be taken to protect against a repeat, I would strongly object to any new house building activity in Long Marston.

No address - further to email above 10/05/2016

I have read with interest the website updates, especially the Nimbus report, and would like to make a few observations..

The 'ease' with which the report dismissed the past, current and future flood risks to Long Marston without identifying any concerns is mystifying. Additional hard standing in the form of 3 new large houses and the access road to them can only accelerate the flood waters into the surrounding properties and land

The success or otherwise of their proposed safety 'measures' seem to centre around a regimented and long-scheduled series of physical, gardening activities. Just to be clear here, the immediate neighbours of this new development and, as was proven recently, the village as a whole, is to pin its hopes on the extra flood waters being dissipated by 3 households of people dutifully following Nimbus' maintenance schedule?

I see some importance is attached to the ditches running behind my property and those of many other inhabitants of Chapel Lane houses. These ditches, at least acknowledged by the Nimbus report, are in a poor state of repair. Is there a maintenance schedule for these too?

I also notice the 'application-sweetener' to allow access for parents picking up their kids from the school seems to have disappeared from the details. Am I mistaken or can you please explain the reason for the withdrawal? It was a major point in developing a level of acceptance from many villagers for the plan and without it, would attract a lot more negative correspondence I am sure.

Perhaps it would be caring and very democratic of the council to clarify this point and the general progress of the application as a whole across Long Marston, maybe in the village newsletter? I have met many villagers, concerned by the potential added flood risk posed by this application, unaware of the way to navigate your website and update themselves with the details therein.

Cymric House 22/09/2015

We live in Station Road in the middle of the Conservation Area and in close proximity to the proposed development. Our house, which was built in the mid-19th century, is next to what is now the village primary school's playing field. The proposed development will skirt two sides of this field. We wish to object strongly to the development of these houses in this location.

We have serious concerns regarding the building of houses, the provision of multiple car parking spaces and the construction of a road to serve the development in view of the propensity of this particular area to flooding. We witnessed the severe flooding to this part of the village recently when our own front garden was inundated and we assisted neighbours opposite in baling out the basement of their property. Houses very nearby suffered severe flooding, with residents being forced to leave their homes for

long periods. The planning application states that there will be 13 car parking spaces at the site as well as a tarmacked road, adding substantially to the footprint of the proposed development.

The siting of the proposed development is on greenfield land within the Conservation Area. We have observed barn owls and other wildlife at the site in question. The plan allows for the erection of bat boxes and tunnels for wildlife to use, but these mitigating measures actually highlight the damage such a development would do to the existing habitat, with the incursion of 15+ people, 13 cars, domestic pets, and visitors with cars.

Dacorum Borough Council's Local Planning Framework Core Strategy January 2013 states at CS5 and CS7 that, for small scale development to be permitted within the Green Belt, the proposed development must have "no significant impact on the character and appearance of the countryside" and that it "supports the rural economy and the maintenance of the wider countryside". Long Marston has no requirement for the kind of executive housing planned in this proposal. Large family homes abound in the village, while affordable housing is scarce. We would view positively suggestions to site an appropriate small development of affordable housing in the village that did not necessitate the construction of a new road across open fields and was outside the area that regularly floods.

44 Station Road – 11/05/2016

I would again like to express my concerns regarding the planning application of Loxley Farm. Every time it rains we have huge puddles forming and drains overflowing. As you are aware we were out of our home for over 2 years due to the flooding. Any further building will exacerbate the situation further.

Considerations

Policy and Principle

Policy CS7 of the adopted Core Strategy states that within the rural area, the following uses are acceptable a) agriculture, forestry, mineral extraction, countryside recreation uses; essential utility services and uses associated with a farm diversification project. Policy CS7 states that small scale development will be permitted for the replacement of existing buildings for the same use, limited extensions to existing buildings, the appropriate reuse of permanent, substantial buildings and the redevelopment of previously developed sites provided that it has no significant impact on the character and appearance of the countryside; and ii) it supports the rural economy and maintenance of the wider countryside. CS7 goes on to say that small scale development for housing, employment and other purposes will be permitted at Long Marston provided that it complies with Policy CS1 and CS2 of the Core Strategy.

Paragraph 8.36 of the Core Strategy states that the largest settlements in the rural area are Aldbury, Long Marston and Wilstone. It states that these villages are the most suitable location for small scale, sensitively designed development that meets the long term needs of the rural community and wider countryside. Paragraph 8.36 states that the identification of local needs will be informed by village appraisals. As such it is considered that the scheme which proposes three new dwellings located within the designated village boundary accords with policy CS7 insofar that it represents small scale infill development which complies with policies CS1 and CS2. Part of application proposal (access) site lies outside the village boundary and within Green

Belt Land and therefore, consideration has been given to how this development accords with policy CS5 of the adopted Core Strategy and the NPPF. There is an existing access which services the equestrian use of the site and whilst the proposed new access would amount to a more permanent developed access, it is not considered to adversely affect the overall openness of the Green Belt. The development would comprise inappropriate development in the Green Belt however considering the existing access arrangement, allowance under permitted development rights to lay hardstanding for such purposes and the enabling development to allow construction of new dwellings within the village, it is considered that the access road would be justified by very special circumstances which outweigh the harm. Particular regard will be taken through the discharge of conditions to ensure that the access way remains as undeveloped and open as possible and the rural character and setting of the site is maintained.

Impact on character of the Area and Design

The development site is of particular sensitivity as it is located mostly within the settlement, on the edge and within the Green Belt, and within the Conservation Area. As such, the three dwellings have been designed to take the form of a traditional farmstead layout comprising three quasi traditional farm style buildings with modern additions. Particular care has been taken by the Architect to orientate the buildings in a traditional way but still to ensure that the layout allows for quality and modern residential units. The proposal comprises removal of the existing stable building and replacement with three new houses. The layout is such that they allow sufficient spacing to the rear of the listed building in order to protect its setting and character, and to allow direct longer views from the rear of the site right up through to the listed house. The form comprises a courtyard layout which is designed to pay regard to historical farmyard typography. The public footpath running through the site will remain in place.

The farmstead style of the proposed dwellings is also put forward through the materials proposed. The proposal has sought to keep a simple palette of materials including cast Stone walls, conservation rooflights, natural oak timber doors & panels, dark timber barn paint cladding and slate tiles.

Impact to listed building and considerations of Listed Building Consent

The NPPF states 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

Saved policy 119 of the local plan deals with works to listed buildings and states that the following issues will be taken into account in considering all applications for listed building consent:

- (i) the importance of the building, its intrinsic architectural and historic interest and rarity in both national and local terms;
- (ii) the particular physical features of the building which justify its inclusion in the list;
- (iii) the building's setting and its contribution to the local scene; and
- (iv) the extent to which the proposed works would bring substantial benefits for the

community.

Particular regard has been paid to ensure that the character and setting of Loxley Farmhouse which is a Grade II listed building is maintained. The three dwellings have been sited sufficient distance away from the listed building to ensure that adequate spacing and setting is retained. The dwellings have been designed in a layout which considered a typical historical farmstead form and they are not considered to detract from the setting. The conservation officer has worked with the agent for some time to ensure that the balance between the historical environment and the new development is appropriate and the layout is such that it allows longer views up through the site to the listed building. Subject to the imposition of conditions, it is considered that the buildings are acceptable in design, layout and impact to the character and setting of the listed building in accordance with policies CS11, CS12 and CS27 of the adopted Core Strategy.

Flooding Impacts and drainage Implications

One of the major issues and consideration on this scheme is the impact of the proposal to the area in terms of Flood Risk and drainage. During the course of this application, it has been highlighted that the site often is flooded and that this part of Long Marston suffers from flooding. This issue is a major concern to residents of which many have objected to the scheme. During the negotiations on the scheme, the agent has worked alongside the Environment Agency and the Lead Local Flood Authority who are now satisfied with the proposals submit to conditions. In particular the Lead Local Flood Authority (LLFA) now considers that the scheme demonstrates that the site can be adequately drained. This is based on attenuation and discharge in to the ditch located west of the site and the strategy provides for a management and treatment plain for the drainage system. The scheme also incorporates additional swales which all interception of the overland flow from adjacent properties. The LLFA are satisfied with the scheme submit to the imposition of conditions. The environment agency originally objected on two counts : a) that the scheme involved the use of a non-mains drainage system in a publicly sewered area and that no FRA was submitted to assess impact and mitigation of flooding. Since then, the agent has works with the EA to carry out specific testing to ensure that the development would not result in further flooding implications for the added and that the site itself would be adequately addressed in terms of the Flooding. The specialists have mapped the extent of Flood Zones 2 and 3 and have realigned marginally the siting of the dwellings to ensure that they fall outside Flood Zone 3. As such the proposal accords with the NPPF and NPPG. In terms of the sewerage concern, the proposal has been amended in line with the Environment Agency advice and Thames Water has raised no objection to the scheme.

Impact on Trees and Landscaping

The site currently enjoys mature trees and hedging of which some scattered trees will be removed to allow the development however it is intended to retain all important trees and to supplement them with new plantings of Birch, Hazel and Oak. It is considered that the scheme will generally maintain the mature screened nature of the site and improve the landscape character by additional planting. No objection is therefore raised subject to the imposition of conditions regarding the impact of construction phase to trees and detailed specification of planting.

Impact on Highway Safety

Access to the scheme is via a new proposed driveway taken from an existing access of Astrope Lane. Hertfordshire Highways have raised no objection to the scheme on the basis that the construction phase of the scheme is managed by condition and that highway visibility splays are conditioned. It is considered that due to the number of houses proposed, there would not be any substantial highway implications for the area and adequate parking provision is provided on site for the three new dwellings in accordance with appendix 5 of the adopted Core Strategy.

Impact on Neighbours

The site is located to the rear of Loxley Farmhouse and straddles the primary School. The proposed dwellings are located sufficient distances from the farm house itself to ensure that sufficient space is provided to avoid visual intrusion or overlooking. So too, a key consideration is to ensure privacy and amenity for the school building. The dwellings have been designed to ensure that there would be minimum windows at first floor level adjacent to the school grounds. As such it is considered that the scheme would not give rise to any significant harm to the amenities of the neighbouring properties in accordance with policy CS12 of the adopted Core Strategy. A condition will be imposed which removes permitted development rights will ensure that new windows etc can be considered fully in the future.

Ecology Impacts

The ecology officer has considered the scheme and has raised no objection. The ecology officer considered that no habitat of significant value was considered to be present on the site following the Phase 1 Habitat Survey. No evidence of bats was discovered by the Inspection survey however the activity survey found potential for common pipistrelles. However compensatory habitats for bats have been provided and the Habitat Regulation tests for bats can be satisfied. Great Crested Newts have been previously recorded on the adjacent pond. A such particular programmes for translocation to remove the GCN has been proposed and it is considered that none of the ponds themselves would be affected. Natural England's advice has been followed on site in terms of the GCN. It is considered that the proposed landscaping will provide local habitat improvements however it is acknowledged that there would be some loss of terrestrial habitat namely the loss of grassland. As such further mitigation within the landscaping and scheme has been provided. As such, the ecological officer has raised no objection to the scheme and considered that it adequately addresses any harm that may arise to ecology through careful mitigation and creating new environments.

Affordable Housing

On 11th May 2016 the Court of Appeal judgment relating to the appeal lodged by the Government to the West Berkshire decision was issued (*R (West Berkshire District Council and Reading Borough Council) v. Secretary of State for Communities and Local Government* [2016] EWCA Civ 441.). This decision upheld all four appeal grounds brought by the Government, and reversed the earlier decision to quash the policy. The PPG has also been amended to reinstate the relevant paragraphs previously deleted.

In the light of the Court of Appeal decision, the Council has reinstated its Affordable

Housing Clarification Note. The content of this note remains unchanged from the March 2015 version, with the exception of a few minor changes to update the background content. As such, small scale housing developments of less than 6 units will not have to provide any affordable housing including those located within the village boundaries of Long Marston.

Contaminated Land

The Council's contaminated land officer has not commented on this application however given that it is considered that the site is located within the vicinity of potentially contaminative former land uses given the history associated with the site. Consequently there may be land contamination issues associated with this site. It is therefore recommended that the standard contamination condition be applied to this development should permission be granted. The standard conditions have been added to this recommendation accordingly which will ensure that there are no associated risks due to contamination.

Archaeology

The proposed development site lies within Dacorum Area of Archaeological Significance No 12, which notes that Long Marston is a medieval settlement. An area of extant ridge and furrow (HER6165) survives immediately SW, whilst a well preserved medieval moated manorial site (HER2611) and remnants of adjacent medieval Church of All Saints (HER4374) lies 150m W. The development is proposed for an area of land to the rear of Loxley Farm (LB355757, HER17128), a grade II Listed Building, dating from the early 16th century. It is reasonable to suggest, given its position that this structure/site could have medieval origins. As such, the archaeology team consider that the position and details of the proposed development are such, that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest. It is therefore demonstrated that provisions for investigation and treatment of archaeology is made through conditions in accordance with policy CS27 of the adopted Core Strategy.

CIL

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

The Charging Schedule clarifies that the site is in Zone **3** within which a charge of **£150** per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

Other Material Planning Considerations

It is noted that during pre-applications discussions, the agent has discussed the potential of extending access arrangements for the school in lieu of additional dwellings within the development outside the village boundary. The applicant did not

take this further at application stage because it is considered that these works for the school would not warrant or make acceptable dwellings outside of the village boundary and within the Green Belt. Should this development come forward at a later date, the LPA would consider these works on their own merits however it was considered that the 'gifting' or enabling works for the school would not be found as circumstances to outweigh harm to the openness of the Green Belt by new dwellings.

RECOMMENDATION 5.02 - That planning permission **4/02678/15/FUL** be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The development hereby permitted shall be begun 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 No development shall take place until samples and details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Details shall include:**

Details of all materials including the use of cast stone and its finish (colour, texture etc) and its justification ;
Details of windows, doors and other openings;
The interface between the upper storey cladding and this cast stone at ground level
Details of rainwater provision;
Details of rooflights

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

Reason: In the interests of the visual amenities of the Conservation Area and historic setting of the development in accordance with policy CS27 and 119 of the local plan.

- 3 No development shall take place until full details of both hard and soft landscape works in accordance with details under condition 4 shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- II) hard surfacing materials;**
 - soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
 - proposed finished levels or contours**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with policy CS12 and CS27 of the adopted Core Strategy.

- 4 **Prior to the commencement of development, a full tree survey, tree constraints plan and tree protection measures in accordance with BS 5837; 2012 shall be submitted and approved in writing by the LPA. The development shall be carried out in strict accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with policies CS12, CS27 and policy 99 of the local plan.

- 5 **The development permitted by this planning permission shall be carried out in accordance with the approved FRA carried out by Nimbus reference C-1526 dated August 2015 and Surface Water Management Strategy reference C1559 dated March 2016.**

- **Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.**
- 1. **Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**
- 2. **Implementing appropriate SuDS measures as indicated on drawing C1559-01 with the use of permeable paving, retention basin and rain garden with discharge into the watercourse.**
- 3. **Providing swales as shown on drawing C1559-01 to intercept any overland flow.**
- 4. **Secure remediation works for existing ditches prior to development commencement to ensure that they shall be kept clear of any obstruction to maintain any surface water flood flow.**

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with policy CS31 of the adopted Core Strategy.

- 6 **No development shall take place until a detailed surface water drainage**

scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro- geological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + 30% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

5. Detailed drainage plan showing the location, size and engineering details of the proposed SuDS, pipe runs, manholes etc.
1. Detailed modelling of the drainage system to support the proposed drainage strategy.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent the increased risk of flooding, both on and off site in accordance with policy 31 of the adopted Core Strategy.

- 7 **The development permitted by this planning permission shall be carried out in accordance with the following flood risk mitigation measures:**

2. **Finished flood levels are set no lower than 0.7 metres above Ordnance Datum.**
 - **There shall be no raising of existing ground levels within Flood Zone 2 or Flood Zone 3.**
 - **Any walls or fencing constructed within Flood Zone 2 and Flood Zone 3 shall be designed to be permeable to flood water.**
 - **There shall be no storage of any materials including soil within the Flood Zone 3 area.**

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the flow

of flood water is not impeded and the proposed development does not cause a loss of flood plain storage in accordance with policy 31 of the adopted Core Strategy.

- 8 **No development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall contain the programme of works on site, area of construction vehicle parking, delivery and storage of materials within the site and construction vehicles wheel washing facilities and how the development will not affect the adjacent listed building. The construction of the development hereby permitted shall then be carried out in accordance with the approved Construction Management Plan.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and harm to the listed building in accordance with Policies CS8 and CS27 of the Core Strategy.

- 9 **No development shall commence on site until a scheme has been submitted to, and agreed by the Council in consultation with Hertfordshire County Council, for the provision of a fire hydrant no dwelling shall be occupied until the hydrant serving the property or group of properties has been provided to the satisfaction of the Council.**

Reason : To provide for a safe means of access for fire and emergency vehicles in accordance with policy CS12 of the adopted Core Strategy.

- 10 **Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, which clearly demonstrate how refuse is to be collected from the site.**

Reason: The above condition is required to ensure that refuse collection does not have a significant adverse effect on the safety and efficiency of the highway and to ensure that compliance with standards in 'Roads in Hertfordshire – highway design guide' is achievable at all times in accordance with policies CS8 and CS12 of the adopted Core Strategy

- 11 **Vehicular visibility splays of not less than 2.4 m x 43 m shall be provided before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6 m and 2.0 m above the carriageway.**

Reason: In the interests of highway safety in accordance with policy CS8 of the adopted Core Strategy.

- 12 **No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:**
1. **The programme and methodology of site investigation and recording**
 2. **The programme for post investigation assessment**
 3. **Provision to be made for analysis of the site investigation and recording**
 4. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
 5. **Provision to be made for archive deposition of the analysis and records of the site investigation**
 6. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason:to provide properly for the likely archaeological implications of this development proposal in accordance with paragraph 141 of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and the recently issued Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

- 13 **1) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 12.**
- 2) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 12 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason:to provide properly for the likely archaeological implications of this development proposal in accordance with paragraph 141 of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and the recently issued Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

- 14 **Notwithstanding the provisions of the Town and Country Planning**

(General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:

**Schedule 2 Part 1 Classes A, B, C, E, F.
Part 2 Classes A and B**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and its historic setting, and the Flood Risk and drainage of the site in accordance with policies CS12, CS27 and CS31 of the adopted Core Strategy.

- 15 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- **a survey of the extent, scale and nature of contamination;**
- (ii) **an assessment of the potential risks to:**
 - (i) **human health,**
 - **property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
 - **adjoining land,**
 - **groundwaters and surface waters,**
 - **ecological systems,**
 - **archeological sites and ancient monuments;**
- **an appraisal of remedial options, and proposal of the preferred option(s).**

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, Core Strategy.

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

P094_GA_1.01 p3

P094_GA_1.02 P3

P094_GA_1.03 P3

P094_GA_1.04 P3

P094_GA_1.05 P3

p094_SP_00 P3

P094_SP_01 p3

P094_SP_02 P3

P094_GA_2.04 p2

P094_GA_2.05 P2

P094_GA_3.04 P2

P094_GA_3.05 P2

P094_GA_2.01 p2

P094_GA_2.02 P2

P094_GA_2.03 P2

P094_GA_2.04 P2

P094_GA_2.05 P2

P094_GA_3.01 P2

P094_GA_3.02 P2

P094_GA_3.03 P2

P094_GA_3.04 P2

P094_GA_3.05 P2

Water Surface Management Strategy March 2016

Newt Mitigation Plan

P04_ms_01

P04_ms_02

P094_LP_01

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

RECOMMENDATION 5.03 – That Listed Building application **4/02679/15/LBC** be **GRANTED** for the reasons referred to above and subject to the following conditions:

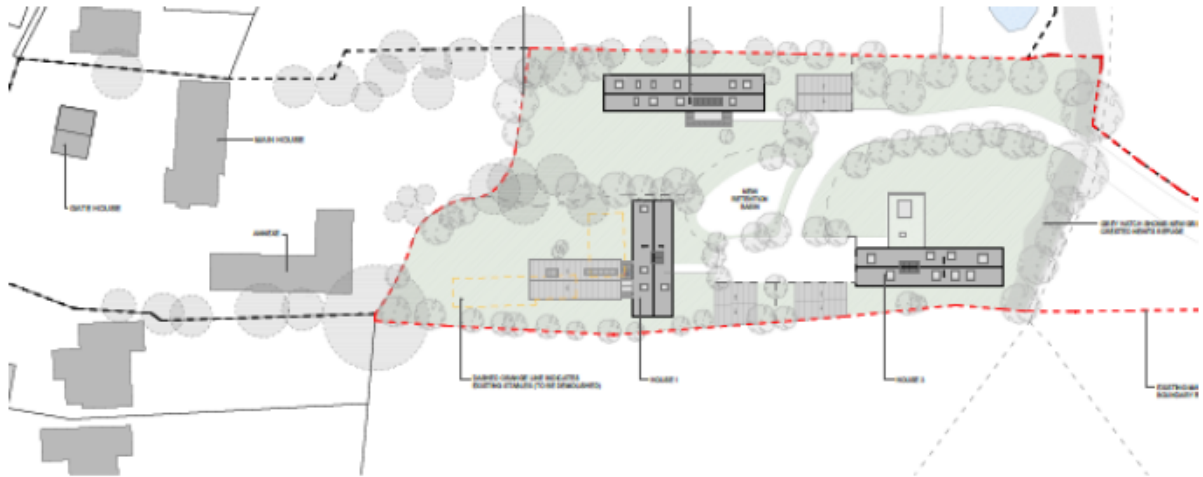
- 1 The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

Items 5.02 and 5.03

4/02678/15/FUL - NEW BOUNDARY LINE TO DIVIDE THE EXISTING SITE & CREATE 3 NEW 4-BEDROOM LOW-ENERGY HOUSES TO THE LAND BEHIND LOXLEY FARM WITH ACCESS FROM ASTROPE LANE

LOXLEY FARM, CHAPEL LANE, LONG MARSTON, TRING, HP23 4QT



**4/02678/15/FUL & 4/02679/15/LBC- NEW BOUNDARY LINE TO DIVIDE THE EXISTING SITE & CREATE 3 NEW 4-BEDROOM LOW-ENERGY HOUSES TO THE LAND BEHIND LOXLEY FARM WITH ACCESS FROM ASTROPE LANE..
LOXLEY FARM, CHAPEL LANE, LONG MARSTON, TRING, HP23 4QT.
APPLICANT: Mr Wilson.**

[Case Officer - Joan Reid]

Update

At the last committee meeting on 18th August 2016, the decision was deferred by committee members in order to seek further clarification from Thames Water on Sewerage matters. Further comments from Thames water will updated before the development control committee on the matter.

The applicants have since submitted further information from their consultants on the matter as below:

REVIEW OF SURFACE WATER MANAGEMENT STRATEGY: LOXLEY FARM, LONG MARSTON, HERTFORDSHIRE, HP23 4QT

1 Terms of Reference

In response to instruction from Nimbus Engineering Consultants Ltd., Hydro-Logic Services have undertaken a review of the Surface Water Management Strategy for a proposed residential development at the above site. This review succeeds objections raised by Tring Rural Parish Council in their capacity as Statutory Consultee to Planning Application 4/02678/15/FUL.

The main issue is related to the impacts of an increase in impermeable surface area, and connections to the foul sewer system, on local flooding and a Thames Water pumping station.

Reference has been made in this review to the following sources of information:

- Hydro-Logic Services (June 2014) Flood Investigations at Long Marston, Wilstone and Gubblecote, Ref: K0480/pw
- Nimbus Engineering Consultants Ltd. (March 2016) Surface Water Management Strategy for a Proposed Residential Development at Loxley Farm, Long Marston, Hertfordshire, Document No. C1559
- Nimbus Engineering Consultants Ltd. (August 2016) Addendum: Flood Risk Assessment Report for Proposed Residential Development at Loxley Farm, Long Marston
- Tring Rural Parish Council (March 2016) Minutes of the meeting held on 2nd March 2015 at Long Marston Village Hall at 8.15pm
- Tring Rural Parish Council (August 2016) Minutes of the meeting held on 5th August 2015 at Wilstone Village Hall at 8.00pm

T

2 Background

It has been proposed to construct three residential dwellings with associated access and landscaping, to include demolition of an existing stables, at Loxley Farm, Chapel Lane, Long Marston in Hertfordshire.

Long Marston has a history of flooding, the most recent documented event being on 7th February 2014. The overloading of a Thames Water sewer pumping station, located off Chapel Lane, and subsequent surcharging of the sewer system was a significant factor in the 2014 flooding. This was evidenced by residents unable to flush their toilets at the time of the event.

The pumping station has capacity for 510 homes, with 300 currently attached. Hence, it is currently under-capacity in terms of foul drainage.

A number of storm drains are connected to the foul sewers. When the ground is waterlogged, excess rainwater runoff enters the sewer system. Additionally, when groundwater levels are high, as in 2014, groundwater infiltrates into the sewer system.

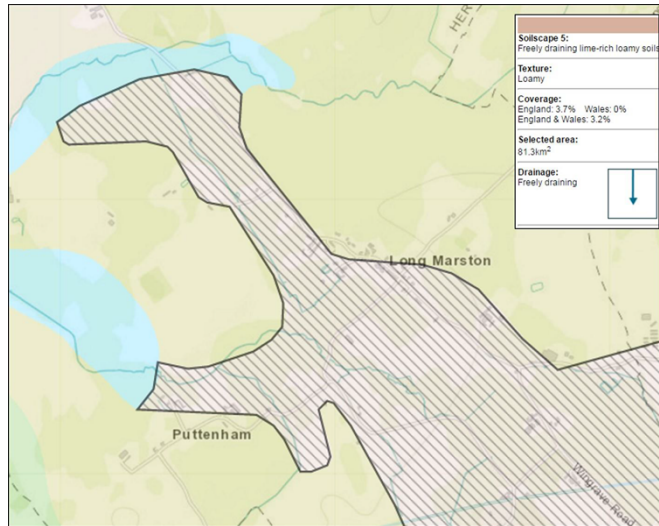
The additional water entering the sewer system from storm runoff and groundwater infiltration reduces the capacity of the pumping station to receive foul water. Consequent overloading leads to surcharging, which contributes to localised flooding in the Chapel Lane area.

3 Surface Water Management Strategy

Using a combination of a retention pond, raingardens and swales, the proposed surface water management strategy will reduce rainfall runoff from the site. Current peak levels of runoff are 21.7 l/s for the 1 in 1 year event and 108.6 l/s for the 1 in 100 year event, with a 30% increase allowance for climate change.

In the case of a single storm event, all water will infiltrate into the ground and runoff will effectively be zero. In the event of waterlogged ground conditions, or high groundwater levels, storage has been provided that will limit runoff to 2.5 l/s.

Site specific infiltration tests have been undertaken which resulted in an infiltration rate used for calculations of 1×10^{-5} m/sec (0.036 m/h). This is at the lower end of the "sand" range and upper end of "sandy loam" categories in the recently revised SUDS Manual (CIRIA C753); this is presented under a heading of "good infiltration media". This classification is also consistent with the information from the soil map produced by Cranfield University, shown below (<http://www.landis.org.uk/soilscapes/index.cfm>).



Foul connections from the proposed development will provide, on average, an additional 0.14 l/s, based on three dwellings. This is well within the capacity of the pumping station under normal conditions. In the event a severe storm and waterlogged conditions, and assuming all 2.5 l/s surface runoff enters the sewer system, the total combined runoff will be 2.64 l/s.

The rate of runoff from the proposed strategy is significantly below current levels. This will reduce the volume of water entering the sewer system via storm drains. The risk of overloading of the sewer system will be reduced. Hence, the risk of flooding in the Chapel Lane area will be reduced.

4 Conclusions

Objections to Planning Application 4/02678/15/FUL, proposed residential development at Loxley Farm, Long Marston, were made by Tring Rural Parish Council in their capacity as Statutory Consultee. These were based on the possible adverse impacts of the development on local flooding. In particular, concerns over additional water entering the foul sewer system, overloading of the Thames Water pumping station, and subsequent surcharging and flooding, were raised.

The Surface Water Management Strategy proposed for the development significantly reduces the rate of runoff from the site. This will ease the burden on the sewer system and have a positive effect on flood risk. The risk of flooding in the Chapel Lane area will be reduced.

Further comments are awaited from Thames Water and will be reported to Committee.

In light of the above and statutory responses previously received the recommendation from officers remains as previous (see below)

Committee Report as per 18th August 2016

Summary

The applications are recommended for approval. The proposal of 3 new dwellings would introduce a small infill development located within the village boundary of Long Marston which is considered acceptable in principle in accordance with policy CS7.

This development comprises a good quality design and layout and comprises satisfactory access onto the highway. The scheme is considered to be a high quality development that helps meet the need for new housing, as set out in Core Strategy policy CS17. Despite local opposition to this scheme as a result of Flooding, the applicant has worked alongside the Lead Flood Authority and the Environment Agency to overcome concerns in regards to flooding and drainage and it is considered that the scheme will adequately drain in times of flooding and would not give rise to further detriment to neighbouring properties. The proposal would not result in significant harm to the residential amenities of neighbouring properties or be detrimental to matters of highways safety. The scheme has been carefully designed to avoid harm to the original character and setting of the listed building and potential archaeological remains will be considered. The scheme is therefore in accordance with Core Strategy policies CS5, CS7, CS12 and CS13, CS27, CS29 and Appendices 3 and 5 of the DBLP.

Site Description

The application site is located within the designated small village of Long Marston and comprises the rear garden of Loxley Farm which is a Grade II listed farm house. The site also comprises a listed gate house, separate annexe stabling and formal gardens and paddocks. The main access to the site is from the centre of the village. The site is located immediately to the rear of Long Marston Primary School and is bounded by dense boundary hedge and trees. Since the course of the application, it has been found that part of the site lies within Flood Zones 2 and 3. The site lies within conservation area and within the boundary of a designated small village of the rural area. A right of way cuts across the site.

Proposal

The application seeks planning permission for erection of three new detached dwellings, together with new access, landscaping and car parking. The existing stable buildings are to be demolished and all three new dwellings are to be accessed independently from the main house via an existing site entrance off Astrope Lane. The proposed dwellings are two storey which take the form of L shaped barn house with modern additions. The houses are laid out to create an entrance courtyard.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Long Marston Parish Council.

Planning History

None recent

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
NPPG

Adopted Core Strategy

CS7 - Rural Area
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS19 - Affordable Housing
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS30 - Sustainability Offset Fund
CS31 - Water Management
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 58, 99 and 119
Appendices 3 and 7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Affordable Housing (Jan 2013)

Summary of Representations

Tring Rural Parish Council

TRPC, would like to object to the above application for the following reasons:

- Flood Risk - the area where the proposed houses would be built is a flood plain. When Long Marston was flooded last year, the field (Dyers Close) through which the access road would come was under water, as was Marston Court, and we believe the garden of Loxley Farm, where the houses would be built. The Council and residents are concerned that if the water can no longer plain in this area, it will be pushed forward into the village at it's lowest and most vulnerable point, where Chapel Lane meets station road. The impact of 9 bathrooms and numerous parking spaces is also likely to negatively impact the flooding situation along with the sewage situation which is also vulnerable at this point in the village.
- Trees - there are a number of mature trees in the area which the Council believe are both very beautiful and also help to stabilise the water helping to prevent flooding. The Council would like to take steps to preserve the trees in this area.
- School Access - the Council and residents were given the impression that alterations to the school access would be proposed alongside the development of new houses. The Council believe they may have been told about alterations to access in order to make them think more favourably on the application.
- The construction of the houses with cast concrete walls, is not in keeping with other houses in the area.

- The Council and residents are concerned that the development will have an impact on traffic coming down Astrope Lane, where people walk to school and where there is no pavement.

Conservation and Design

There has been extended discussion and re-configuration of the three houses and, in terms of a 'courtyard' scheme that also keeps the views through to the listed farmhouse, I consider this has now reached an acceptable level in relation to scale, form and layout.

The key remaining issues for clarification are therefore:

- a) more information is required on the use of cast stone and its finish (colour, texture etc) and its justification in this sensitive position in the context of the village and farmhouse
- b) The interface between the upper storey cladding and this cast stone at ground level – the side elevations appear to show them as flush whereas front elevations show the upper cladding with some shading, as if the upper storey partly oversailed the ground floor.
- c) There is no rainwater provision and both of the above might be affected through differential weathering if there is no provision for this
- d) There is an extensive use of rooflights – I am not convinced this is necessary and that more restrained use would create a less 'busy' roofscape

Historic England 10/08/2015

Thank you for your letter of 30 July 2015 notifying Historic England of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Hertfordshire County Council – Lead Local Flood Authority 25/09/2015

This application has been passed onto me for consultation via Laura Leech in our Flood Risk Management Team. I understand the residents of Long Marston have asked the developer to undertake an FRA due to the existing flood risk issue within the village, which resulted in the LLFA undertaking a Section 19 flood investigation.

Having looked at the proposal, the development site area is over 1ha and therefore should have undertaken an FRA in accordance with the NPPF. This also makes the proposal a 'major' application which means that the LLFA have a statutory duty to respond to the application as a result of the changes to the NPPG from the 15 April 2015.

I therefore wanted to provide you with a heads up that we will be objecting to the proposed development as the FRA is inadequate and therefore does not demonstrate that there is no increase in flood risk to the site and the surrounding area. As you can appreciate, due to the recent flooding, we need to be convinced in order to inform the LPA and residents, that the development will not increase flood risk and will provide a betterment.

I note that you are away until the 5 October 2015, I have therefore copied in Paul Newton in case the LPA needs to discuss anything prior to us sending you our formal response.

Updated Summary and response to Flooding from applicant

1.0 Introduction

This addendum report has been written to provide a summary of the Flood Risk Assessment and SuDs reports that were produced for the proposed development of three dwellings at Loxley farm. The proposals and findings in these reports have led to both the Environment Agency and Local Planning Authority being in agreement and recommending the proposals for approval. It intends to further clarify any concerns that were previously raised and give an overview of measures being implemented to ensure no increased flood risk can occur at the site or elsewhere as a result of the proposals.

2.0 Historic Flooding, Existing condition of the ditches and current defects

Although there have been no historic incidents of flooding at the proposed development site, there have been incidents within the Long Marston area, and the following extract from the original FRA submitted as a part of this planning application is below:

“A main river, known as the Tring Bourne, flows through the village and ultimately feeds the River Thames. The Section 19 Technical Assessment Report describes the source of the Tring Bourne being at the west of Startops End Farm near the junction of Watery Lane and Lower Icknield Road (B489). The watercourse is thought to be fed by groundwater and underwater springs. It then flows along the western side of Tring Road, entering a culvert and then flowing to the south of Chapel Lane, before flowing in a north westerly direction out of the village. The culvert was inspected in September 2010 and significant defects were identified, but no remedial work has been carried out to date.

An ordinary watercourse also flows along the eastern side of Tring Road (on the opposite side to the Tring Bourne). This watercourse then flows beneath the road and before it enters the Tring Bourne. There have been recorded flood events in the village dating back to 1978. The catchment is relatively flat and the lack of gradient means that flows can take some time to pass through the village.

Table 1 describes some of the recorded flood events in Long Marston. The most recent documented flooding was in February 2014, which resulted in damage to one commercial and at least five residential properties. Loxley Farm, Long Marston

Flood Risk Assessment and Surface Water Management Summary and Addendum Table 1 - Recorded flood events in Long Marston (extracted from Hertfordshire County Council Flood Investigation Report, November 2014) The watercourses are reported as being in a poor state of repair with no maintenance having been carried out in the last 10 years, which has resulted in an accumulation of silt, debris and growth of channel and bankside vegetation. The Tring Bourne is not on the Environment Agency’s maintenance programme.

A review of the Environment Agency indicative modelling flood extent suggests that the

maps do not accurately reflect where fluvial flooding will occur, which is confirmed by the Section 19 Technical Assessment Report. The maps are prepared on a strategic scale and do not accurately represent structures such as culverts. It is likely that the predicted flood extent was based upon the watercourse being an open channel, which is not the case. Flood water is likely to spill from the inlet to the culvert on Tring Road, and as described in the Section 19 technical assessment, from manholes along the culverted section of the Tring Bourne. The outlet of the culvert is also likely to be subject to flooding. The flood maps do not reflect where historic flooding has occurred in the village.

The Section 19 Technical Assessment identified 3 areas (Figure 6) where flooding was occurred, at low spots: to the west of Chapel Lane, the junction of Chapel Lane and Station Road and Tring Road (not as predicted by the Environment Agency fluvial flood maps). These areas of historic flooding reflect issues with the culvert. The flooding at Tring Road is at the same location as the inlet to the culvert, suggesting that the culvert has insufficient capacity to deal with flows in the watercourse, leading to flows backing up and spilling along the road. Chapel Lane has also flooded in the past as the road acts as a conveyance channel and flows floodwater then accumulates at a low point, at the western end of Chapel Lane. The other area where historic flooding has occurred is at the junction of Station Road and Chapel Road. The Section 19 Technical Assessment refers to overland flooding in Area 1 from the Tring Bourne (emerging from culvert manholes) and flooding from the open channel upstream. Surface water flooding from land to the northwest would also accumulate in this area, where highway drainage is reliant on the culvert.

3.0 Surface Water Management (SuDs) Strategy

The existing contributing impermeable area at the site is 290 m², producing a peak run off of 21.7 l/s in a 1 in 1 year, storm event, and a peak run off of 108.6 l/s in a 1 in 100 year storm event plus 30% climate change allowance. This surface water run off enters the ditch, and during a 1 in 100 year, storm event including a 30% climate change allowance would produce a volume of 88.7 m³. The proposed contributing impermeable area at the site is 1090 m², producing a peak run off of 35.6 l/s in a 1 in 1 year storm event, and a peak run off of 178.20 l/s in a 1 in 100 year storm event plus 30% climate change allowance. Due to a small portion at the south of the site being within a Flood zone 2 and 3, as shown on drawing number C1559-02 in Appendix B, as well as concerns from the parish council regarding existing flooding issues downstream from this development we have produced a surface water management strategy to ensure that any surface water flows from this development are managed and treated at source. The proposed layout of this surface water management strategy can be found on drawing number C1559-01 in Appendix B. Ground conditions are good for above ground SuDs (Sustainable Urban Drainage Systems) such as those proposed at this site. Ground is sand and gravel up to 1.6 metres below ground level. Infiltration calculations show that the SuDs proposed will infiltrate all of the volume produced from the site for a 1 in 100 year plus 30% climate change storm event. However, storage will also be provided in these SuDs, over and above this for a second 1 in 100 year plus climate change storm event, should there have been several days of prolonged rainfall and whereby the ground has become saturated. The peak flow storage calculations provided in Appendix A show that 32.64m³ of storage is required.

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produced from the site for a 1 in 100 year plus 30% climate change storm event. However, storage will also be provided in these SuDs, over and above this for a second 1 in 100 year plus climate change storm event, should there have been several days of prolonged rainfall and whereby the ground has become saturated. The peak flow storage calculations provided in Appendix A show that 32.64m³ of storage is required.

This storage is provided as shown below:

Total from raingarden planters = 7.1 m³

Total from swales = 52.4 m³

Total from Pond = 23.14 m³

Total from pipe network and manholes = 3.5 m³

In order to ensure that no over land flows from the proposed development enter the adjacent site, these calculations include an allowance for the contributing area for any overland flows, and the actual volume of storage provided at the site is 86.14 m³.

Peak flow storage re-calculated for a greater storm event of 1 in 200 plus 30% Climate change event will require a storage of 40.5m³. Peak flow storage recalculated for a greater storm event of 1 in 1000 plus 30% Climate change event will require a storage of 65.9m³.

The flow leaving the site and entering the ditch has been reduced to 2.5 l/s, which is 106.1 l/s less than what would be entering the ditch from the existing site for a 1 in 100 year storm event. However due to the Sustainable Urban drainage system that has been proposed, it is very unlikely that any flows will leave the proposed development site, unless a storm with a greater magnitude of 1 in 1000 plus 30% climate change occurs, and this would have less than a 0.1% probability of occurring. All surface water calculations can be found in Appendix A.

The Surface water management strategy report includes a management and maintenance plan for all of the SuDs features proposed, however the ditch will also be managed and maintained regularly, and therefore also contributing to decreasing the risk of flooding downstream of the proposed development site.

4.0 Flood Risk Assessment approved by the Environment Agency

An original FRA (Flood Risk Assessment) was written by Nimbus Engineering Consultants Ltd in October 2015, as this was encouraged by the local authority due to residents having concerns regarding flooding within the area. The Environment Agency's (EA) online Flood map was consulted, and the proposed site location is shown as being in a Flood Zone 1, and this correlates with the fact that the Environment Agency had not originally asked for this FRA as a part of the planning process.

The Environment Agency were consulted with the original Flood Risk Assessment, their response outlined that part of the southern boundary of the site was thought to lie within a flood zone 2 and 3, and flood mapping should be ordered to clarify this. They also outlined recommendations for mitigation measures including proposed ground floor levels for the new dwellings and that safe access and egress be provided to the proposed dwellings, in the event of extreme flooding. The new mapping data has been received and shown on drawing number C1559-02 in Appendix B. As can be seen from the drawing, the proposed dwellings are out with the flood zone 3 area, and within

a Flood Zone 2 which has a 1 in 1000 year/0.1% probability of occurring in any given year.

The EA have asked for mitigation measures to be provided which are included in the original FRA report. As part of this they suggested that the ground floor levels be raised an additional 10cm from that previously proposed. These additional measures further ensure that a severe flood with just a 0.1% chance of occurring, would still not affect the fabric of the building.

It has been concluded that the proposed development does not impede any flood flows. The revised FRA has been approved by the EA as the proposed development will have absolutely no adverse effect on any existing historic flooding issues in Long Marston, and as such would represent no legitimate grounds for the application to not be approved. As discussed in section 2, the historic flooding issues in Long Marston are predominantly a result of existing and previously identified maintenance issues in the village, some of these issues, such as overgrown shrubbery in culverts would be significantly improved and remedied as part of the development. others however need to be formally and independently addressed and have no relevance to this application.

The surface water arising from this proposed development will be dealt with at source through the use of Sustainable urban drainage systems, which will not only provide treatment of the surface water run-off, but will also provide biodiversity and amenity value.

5.0 Flooding from Foul and Surface water sewers

The parish council raised concerns about flooding from sewers within the vicinity of the site. Thames Water were contacted and had no reported sewer flooding incidents within the vicinity of the site. As discussed in section 2, the surface water leaving the site will actually be reduced to 0 l/s the majority of the time, and the foul flow from 3 dwellings is calculated as an average of 0.14 l/s which will not be significantly increasing the burden on the existing foul sewerage network.

6.0 Maintenance plans

It is in everyone's interests that any flooding mitigation measures are maintained. The lack of maintenance to the existing culverts and resulting floods across the road is clear evidence of this. A management company will be formed, and a copy of the management maintenance plan for the SuDs measures at the proposed development site will be provided to ensure that there are no blockages of the system, and this plan will also include maintenance of the ditch adjacent to the proposed development site. As discussed previously this is currently in bad condition with overgrown shrubs which will impede surface water flows and reduce the capacity of the ditch. The client is proposing to clear this ditch and to provide the management company with a maintenance plan to ensure that it is maintained regularly, and especially after extreme storms.

The culverted ditches along Chapel Lane (please refer to photos in Appendix C) are where there have been recorded overflows in to roads. Whilst increasing flow rates at these locations, by unblocking infilled culverts, and keeping them clear should be heavily encouraged, the issue is being predominantly resolved by the implementation of this scheme. This is due to reducing the surface water run off leaving the site in extreme storms drastically being significantly reduced, as discussed in section 2. By

implementing this scheme they are not only having a neutral impact on the village but actually reducing flood risk over all, at the site and in the vicinity of the site.

7.0 Summary

Herts Environmental Agency have been working closely with the LPA and ourselves to ensure everybody is fully confident that any historic flooding issues are understood and that the proposals are indeed able to have a positive rather than negative effect. The Environmental Agency have also concluded that any potential flooding risk can be mitigated with the design proposals submitted and the specific conditions to be fully implemented prior to occupation.

They have concluded that the proposal and outlined conditions ensures the flow of flood water is not impeded and is not causing a loss of flood plain storage. This, therefore reduces the risk of flooding to the site and prevent flooding elsewhere.

In conclusion, by implementing this proposed development the client is actually reducing flood risk issues within the Long Marston Area

Further response from LLFA dated 29/09/2015

Following clarification from the applicant submitted in an e-mail dated 29 September 2015 that the site boundary has been altered to reduce the development area below 1 ha, classifying the development as 'minor', we would like to revise our previous comments as we are not a statutory consultee for minor applications.

However due to the recent flooding issues within Long Marston which was subject to a Section 19 Flood Investigation, we have asked the LPA to consult us on this application for us to be able to advise the LPA if the proposed surface water drainage scheme is acceptable and will not increase flood risk to the site and the surrounding area and where possible provide a betterment.

We therefore offer the following advice to the LPA based on the FRA carried out by Nimbus Engineering Consultants reference C-1526 dated August 2015 submitted with this application.

In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, we advise the following information is required as part of a surface water drainage assessment;

As the proposed development is applying for full planning permission the proposed layout will be fixed once planning permission is granted. It is therefore important that the above information is provided to ensure the proposed drainage scheme is designed at its optimum to maximise the opportunity for betterment and ensure there will be no increase in flood risk to the site and the surrounding area.

The majority of the existing development site is greenfield and therefore the proposed drainage should mimic the existing pre-development drainage within the site including providing greenfield run-off rates to reduce the strain on the existing drainage network within Long Marston. Long Marston village has a history of flooding as recently as 2014 and has been subject to a Section 19 Flood Investigation by the Lead Local Flood Authority. This has been acknowledged within the FRA.

The FRA has not provided any information on where the development site currently discharges to. We therefore cannot recommend to the LPA that the proposed drainage scheme is feasible. To do this the applicant needs to confirm the exact location of the existing method of surface water disposal from the site, undertake surface water calculations for the site area not just the proposed impermeable areas and demonstrate sufficient attenuation can be provided for all rainfall events up to and including the 1 in 100 year + climate change event.

The surface water calculations should demonstrate that there will be no flooding from the proposed drainage system at and below the 1 in 30 year rainfall event and cater for up to the 1 in 100 year + climate change event where possible. Any flooding from the system above the 1 in 30 year event should be shown on a development plan, showing the extent, depth and flow path of the flooding, demonstrating that it can be safely contained within the site. As there is currently no drainage plans and calculations we cannot recommend to the LPA that the site itself is not at risk from flooding from surface water from the proposed drainage system

If the current discharge point is to the main river which runs via a culvert under the existing entrance of the site, the applicant will need to confirm the condition of this discharge point, making sure it is fit for purpose. The proposed drainage scheme will also need to consider what will happen to the discharge of surface water if the main river culvert is at full capacity to assess the risk of water backing up in the system.

The applicant will need to provide a detailed surface water drainage plan showing the exact location of any proposed SuDS measures and any associated infrastructure showing how this serves all built areas including the access road. We recommend a minimum of two SuDS treatment stages should be provided for areas draining roads and driveways to mitigate the increase in diffuse pollution from the site.

As the area of Long Marston is already at risk of flooding from fluvial and surface water sources, there may be an opportunity in addition to providing greenfield run-off rates, to provide betterment to the flooding utilising the parcel of land containing the new access road. We ask that the applicant to consider this as part of the surface water drainage assessment.

We note that it has been assumed the underlying geology is clay based on BGS data and a local borehole within the vicinity of the site. It has also been acknowledged that there may be high ground water based on the findings from the Section 19 Flood Investigation. However neither of these assumptions has been confirmed. We recommend this should be assessed further as part of the surface water drainage assessment as this may affect the viability of the proposed drainage scheme and increase flood risk to the site and the surrounding area if it is not understood and managed properly.

As there is no topographical information and assessment of overland flows within the FRA, we are not able to identify the direction of where surface water currently flows, ensuring that any new development can manage these flows without increasing flood risk elsewhere. This information should also expand to identifying post development exceedance flows for rainfall events above the 1 in 100 year + climate change event, ensuring they can be catered for within and through the development site.

We acknowledge the proposals for the implementation of permeable paving and under drained swales which we consider to be sustainable drainage measures and consider both of these methods as treatment methods for mitigating any diffuse pollution. It

should be confirmed whether these two methods are linked to provide 2 treatment stages for the surface water run-off from the development.

For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpage <http://www.hertsdirect.org/services/envplan/water/floods/surfacewaterdrainage/>

Informative to the applicant

Please note any works taking place within and/or over the culvert or within 8m of the top of bank of the Main River will require prior written consent from the Environment Agency under the Water Resources Act regardless of any planning permission.

Informative to the LPA

The above comments are provided as advisory comments on a minor application. However due to the existing problems with flooding within Long Marston the LLFA are happy to continue to provide advise on this application should any further submissions be made to the LPA to address the above concerns.

If the LPA wishes to discuss these comments further they can contact the case officer directly below.

Lead Local Flood Authority 16/05/2016

Thank you for re-consulting us on the above application for 3 new 4-bedroom houses to the land behind Loxley farm with access from Astrope Lane. As it is a minor application the LLFA are not a statutory consultee and we can only offer advice to the LPA.

We advise the LPA that the additional information provided by Nimbus reference C1559 dated March 2016 in relation to surface water does demonstrate the proposed development site can be adequately drained.

We note the proposed strategy is based upon attenuation and discharge into the ditch located west of the site. The drainage strategy provides evidence of a clear management and treatment train for the SuDS system. The drainage strategy has been shown on a layout plan and has been designed for the 1 in 100 year plus climate change with the use of a retention basin, permeable paving and raingardens. Additional swales have been included to intercept overland flow from adjacent properties. Any run-off from the site will be controlled at 2.5l/s and with required attenuation calculated as 34.7m³.

The plans for remediation works for existing ditches have been confirmed and a maintenance plan for the drainage system has been included. We therefore recommend the following conditions to the LPA should planning permission be granted.

LLFA position

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved FRA carried out by Nimbus reference C-1526 dated

August 2015 and Surface Water Management Strategy reference C1559 dated March 2016.

1. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Implementing appropriate SuDS measures as indicated on drawing C1559-01 with the use of permeable paving, retention basin and rain garden with discharge into the watercourse.
4. Providing swales as shown on drawing C1559-01 to intercept any overland flow.

Secure remediation works for existing ditches prior to development commencement to ensure that they shall be kept clear of any obstruction to maintain any surface water flood flow.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

Condition 2

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro- geological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + 30% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

1. Detailed drainage plan showing the location, size and engineering details of the proposed SuDS, pipe runs, manholes etc.
1. Detailed modelling of the drainage system to support the proposed drainage strategy.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent the increased risk of flooding, both on and off site.

Informative to the LPA

Please note we have concerns regarding surface water flooding in this area.

The LPA will need to be satisfied that the proposed drainage strategy will be maintained and managed for the lifetime of the development.

Environment Agency 27/08/2015

We **object** to the proposed development as submitted because it involves the use of a non-mains foul drainage system in a publicly sewered area but no justification has been provided for this method of foul sewage disposal.

Reason

The installation of private sewage treatment facilities within publicly sewered areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems.

There are foul sewer mains within 80 metres from the proposed development on Chapel Lane and within 60 metres of a pumping station to the west behind "Newbridge". We would expect the applicant to consider connecting to this first and to have contacted Thames Water.

Resolution

To overcome our objection the applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

Formally approach the sewerage undertaker or serve notice regarding a connection under section 98, section 104 or section 106 of the Water Industry Act 1991, as appropriate.

Provide details of the terms upon which the sewerage undertaker is willing to enter into an agreement under section 104.

Provide details of the undertakings, security and payment required by the sewerage undertaker under section 98 of the Water Industry Act 1991. They must provide these together with confirmation that the applicant

Environment Agency 1/10/2015

In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to the grant of planning permission and recommend refusal on this basis.

Reason The FRA submitted with this application does not comply with the requirements set out in the Planning Practice Guidance. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

Consider the effect of a range of flooding events including extreme events on people and property.

Consider the requirement for flood emergency planning including flood warning.

Explanation

The submitted FRA states that the site lies within Flood Zone 1. However, our mapping shows that part of this site is within Flood Zone 2, with a small portion in Flood Zone 3. The existing stable block which is proposed to be replaced by house 1 is partly within Flood Zone 2 and just bordering onto Flood Zone 3. From the plans in appendix A of the FRA, it would seem that house 1 is closer to the boundary line than the existing stable block. The flood plan used in the existing FRA is a screen shot from our flood mapping pages. These are inappropriate for use in an FRA where a building within the planning context is located within Flood Zones 2 or 3.

Resolution

The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application.

Environment Agency 13/06/2016

We have reviewed the Flood Risk Assessment sent by Nimbus Engineering Consultants LTD on 24 May and requested further information in regards to the flood outline and development location. Until this is received we are unable to remove our objection.

Environment Agency 27/07/2016

We have now received an updated site plan (P094_SP_01 REV P3 Loxley Farm, Long Marston: PROPOSED SITE PLAN. 26/07/2016), and provided you are happy to accept this new layout, we are happy to remove our objection. This is because the position of House 1 now falls outside of the Flood Zone 3 outline.

Condition

The development permitted by this planning permission shall be carried out in accordance with the following mitigation measures:

- Finished flood levels are set no lower than 0.7 metres above Ordnance Datum.
- There shall be no raising of existing ground levels within Flood Zone 2 or Flood Zone 3.
- Any walls or fencing constructed within Flood Zone 2 and Flood Zone 3 shall be designed to be permeable to flood water.
- There shall be no storage of any materials including soil within the Flood Zone 3 area.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. **Reason** To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage.

Development Services – Hertfordshire County Council 10/08/2016

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date for the erection of 3 x 4-bedroom residential dwellings we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All dwellings must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the need for hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

The Section 106 template documents appended to the Toolkit include the standard planning obligation clauses. However, since this document was published this wording has been amended as set out in the attached document.

Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: www.hertsdirect.org/planningobligationstoolkit

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

- (i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All dwellings must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

A Section 106 legal agreement would be the County Council's preferred method of securing fire hydrants. However, it is recognised that Dacorum Borough Council is intending to scale back the use of such agreements. If a Section 106 agreement is not otherwise anticipated for this development we would seek the inclusion of a condition to the planning permission. We would propose wording as indicated below:

"Detailed proposals for the fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and in accordance with the approved details thereafter implemented prior to occupation of any building forming part of the development."

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision. We would also seek to be informed of any decision notice which includes the provision of infrastructure via condition.

Hertfordshire Highways – 20/08/2015

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1) Best practical means shall be taken at all times to ensure that all vehicles leaving the site during demolition and construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway.

Reason: To minimise the impact of construction vehicles whilst the development takes place

2) All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.
Reason: In the interest of highway safety and free and safe flow of traffic.

3) Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority,

which clearly demonstrate how refuse is to be collected from the site. Reason: The above condition is required to ensure that refuse collection does not have a significant adverse effect on the safety and efficiency of the highway and to ensure that compliance with standards in 'Roads in Hertfordshire – highway design guide' is achievable at all times.

4 Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway. Reason: In the interest of highway safety.

HIGHWAY INFORMATIVE: The highway authority require any works to be undertaken on the public highway to be by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact www.hertsdirect.org or telephone 0300 1234 047 for further instruction on how to proceed. This may mean that the developer will have to enter into a legal Section 278 agreement to carry out the improvement works as shown on the submitted plan including cutting back the hedging and creating the widened and improved vehicle crossover access.

Highway Comment The above scheme follows on from the pre application made last year to construct three new detached dwellings with a new access road connecting onto Astrope Lane via a simple but existing vehicle crossover. Astrope Lane is an unclassified local access road, L2 numbered 2u11/20 with a 30mph speed limit at the point where it passes this vehicle crossover that will form the start of the access road. Looking at the rolling 5 year collision data whilst there is one serious collision shown at the junction of Astrope Lane and Tring Road but this is unlikely to have any meaningful bearing on the proposed development. The applicant is proposing to widen and improve the simple vehicle crossover, hence the informative above about working on the highway and the requirement of a S278 agreement. The LPA may wish to consider a Grampian style condition that would make the developer construct the access road first before construction of the homes begins. Off street parking is recorded on the application form as being 13 spaces but the level of off street parking is a matter for the LPA to determine. The applicant will have to demonstrate how the refuse will be collected from the dwellings and that the site is accessible to service vehicles. Tracks runs on a suitably scaled drawing have been supplied but the carry distances involved, if the refuse vehicle is not going to enter the site, seems excessive.

Conclusion

The highway authority in principle has no objection to the construction of these houses. On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway Authority has no objection subject to the above conditions to the grant of permission.

Hertfordshire County Council – Archaeology

The proposed development site lies within Dacorum Area of Archaeological Significance No 12, which notes that Long Marston is a medieval settlement. An area of extant ridge and furrow (HER6165) survives immediately SW, whilst a well preserved medieval moated manorial site (HER2611) and remnants of adjacent medieval Church of All Saints (HER4374) lies 150m W. The development is proposed for an area of land to the rear of Loxley Farm (LB355757, HER17128), a grade II

Listed Building, dating from the early 16th century. It is reasonable to suggest, given its position that this structure/site could have medieval origins.

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

- 1 the archaeological field evaluation via a process of 'strip, map and record' to the archaeological horizon, of the proposed building footprints, and the archaeological monitoring of removal of the existing slab (of buildings to be demolished), and of any other areas which will be the subject of significant ground disturbance, e.g. drainage, services, enlarged access etc.
- 2 the archaeological investigation of any remains encountered during this process, and a contingency for the preservation of any remains *in situ*, if warranted.
- 3 the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive, and if appropriate, a publication of these results.
- 4 such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 141, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and the recently issued Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

Trees and Woodlands

I do not object to proposals at Loxley Farm, Chapel Lane, Long Marston.

The construction of three new dwellings and the division of the site will affect existing trees, scattered across the plot. However, it is intended to retain all trees and to supplement them with new plantings of Birch, Hazel and Oak.

Whilst plans and views of the site pre and post development have been indicated in submitted documentation, there is little information related to trees through the demolition and construction phases of the project. It is during these phases that damage is likely to be caused to retained trees.

Documentation conforming to British Standard 5837:2012 'Trees in relation to design, demolition and construction – recommendations' should be submitted, including a tree survey, tree constraints plan and tree protection measures.

Detail should also be submitted of the 'central shared rainwater tank' location and associated pipework. The installation of pipework across the site could damage the roots of existing trees it is intended to retain.

With care, existing and new trees together could provide an interesting aesthetic back drop around new dwellings. Proposed species would add positively to the site, with

varying seasonal colour and canopy size.

Hertfordshire Biological Records Centre

Thank you for consulting Herts Ecology on the above, for which we have the following comments:

1. Following our pre-application advice, various ecological surveys have been undertaken of the site.

2. No habitat of significant interest was considered to be present on the site following the Phase 1 Habitat Survey. From the information within the ecological report, this view would seem reasonable.

3.1 No evidence of bats was discovered by the Inspection surveys but activity surveys identified one common pipistrelle using Building 1 for what is likely to be a small day roost. Compensation has been recommended in the form of two bat bricks which will be installed in one of the new proposed dwellings, providing compensatory habitat for the loss of the small roost.

3.2 Furthermore, any lighting of the development site will need to ensure the hedgerows are not affected so as not to disrupt the foraging use of these features by bats.

3.3 I consider the bat surveys and recommendations to be adequate. Consequently the third Habitat Regulations test can be satisfied with respect to bats. An EPS licence will be needed given the demolition of a roost and I have no reason to believe this will not be obtained.

4.1 Great crested newts have been previously recorded from the adjacent pond within the school grounds. They were shown to be still present in this and two other ponds, supporting a high meta-population of GCN likely to be well over 100 individuals. The associated terrestrial habitats and their connectivity would be important for helping to support this population.

4.2 A 90 day trapping programme for translocation is proposed to remove GCN from the development site although none of the ponds themselves will be directly affected. A newt fence is proposed to be provided around the whole development site to enable this and to ensure that subsequently, individuals cannot access the development site. This will avoid encounters with the dangerous activities and storage of materials that they may otherwise find suitable for refuge. This approach follows Natural England's Standing Advice.

4.3 The proposed landscaping will provide local habitat improvements within the site. However, it will not compensate for the loss of terrestrial habitat identified in para 91 of the report, namely the loss of grassland, although gardens and native planting will be created. Whilst of little intrinsic interest, I consider that this loss will reduce the extent of terrestrial habitat resource available for newts locally, as well as degrade its quality given that the residential gardens are highly likely to be intensively managed and will be a poorer substitute for the habitats currently present. However I acknowledge that they could provide some potential habitat and that, overall, the present development is relatively limited.

4.4 The potentially highly damaging impact on connectivity between the ponds is recognised, for which mitigation and compensation is proposed. This includes two focussed underpasses beneath the access track, which would help avoid casualties on the road.

4.5 A newt hibernacula and additional terrestrial habitat has also been proposed. I consider this will provide an enhanced habitat resource locally.

4.6 The measures outlined above reflect the high significance of the local newt population and seek to provide mitigation and enhancement measures. This is consistent with Natural England's Standing advice although I am unconvinced that the habitat compensation will provide a comparable resource. Monitoring is proposed and this would help to determine the success of the enhancements.

4.7 An EPS licence will be required for the works and I have no reason to believe it would not be obtained. Consequently the third Habitat regulations test can be satisfied with respect to Great-crested newts.

5. On the basis of the above, I consider the impact on the European Protected Species directly and indirectly affected by the proposals has been assessed and appropriate recommendations made, sufficient to satisfy the third Habitats Regulations test. Consequently the LPA may proceed with determination.

6.1 Barn owl pellets and droppings were identified in Building 1 and seen flying around the fields on and off site, although not recorded using the buildings during the surveys. There is no evidence of breeding in the building.

6.2 The development will lead to a loss of an occasional roost as well as some local foraging habitat, although a nest box will be provided to compensate for the loss of the roost. The local habitat for small mammals currently available within the application site is unlikely to be replicated by the housing development although the loss of this may not be significant for barn owl foraging.

7. The mature hedgerows which border the site are locally important and would provide shelter and dispersal routes for the local newt and bat populations.

8. No reptiles were found during the site surveys but if discovered during GCN trapping they will be translocated and accommodated alongside the GCN mitigation, which are broadly equally appropriate.

10. Badgers do not appear to be an issue on this site. Evidence of occasional foraging has been recorded and a single large hole is present but there is no evidence of active use by any mammal. Mitigation measures have been provided and a watching brief will monitor any changes to this situation and provide appropriate advice as necessary.

11. In summary I consider the Ecological Impact Assessments to be thorough. Surveys are sufficient to describe the ecology of the site; appropriate recommendations provided which are consistent with NE's Standing Advice and best practice. Whilst I believe the development will reduce the ecological resources present locally, I have no reason to consider appropriate licences will not be issued as necessary and that the Habitats Regulations third test cannot be satisfied.

12. I am not aware of any other ecological issues associated with these proposals for which I have any significant concerns.

Thames Water 4/08/2015

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

8 Marston Court 16/05/2016

As residents of Marston Ct for 16 years we have witnessed both the floods in 2003 and 2014. We lost both our cars that were parked at the back of Marston Ct due to the latter flooding. To this date the flooding in Long Marston has not been addressed satisfactorily and any further houses in the near vicinity will only add to the already fragile drainage system we have in the village. To add a further three houses plus additional roads and turning circle will only compound this issue and to this end I would like to formally object to the proposed planning revision as it would only impact negatively on it he village.

Palmers Barn 11/05/2016

As a local resident of 10 years I am more than familiar with the nature of the land in question and how it and the immediately adjacent area (which is flood plain) is severely affected by heavy rainfall.

Whilst recent reports indicate that the local sewerage system should be able to cope with 3/4 more dwellings, it is more the fact that village sewerage system, local stream and storm water provisions are interconnected and as such woefully inadequate during heavy rainfall. This has caused major flooding to properties in the village on more than one occasion in recent years and common sense alone would therefore suggest

that any additional building in this particular area will only worsen a situation that has yet to be resolved despite a County Council and Flood Agency investigation.

Barn One, Chapel Lane

We write in respect of the above planning application relating to the proposed housing development at Loxley Farm, Long Marston.

We also refer to the recent Section 19 Flood and Water Management Act 2010 report , dated 2014 conducted by Herts County Council Flood Risk Management Department.

We request that details of the proposed development are referred to the Flood Risk Management Department at Hertfordshire County Council ,so that checks can be made regarding the location in relation to the latest flood risk maps, as well as the surface water discharge proposals.

The proposed development we understand, also involves the construction of a link access road to the rear of the village school. The access road plus parking areas and house roofs will provide impermeable areas which will generate a significant rainfall run off to a localised area, which is subject to flash flooding. In this situation we understand that measures must be taken such that storm water run- off from the developed site should not exceed the storm run -off that currently exists from the green field site.

We trust that a satisfactory proposal to deal with this problem (approved by Herts County Council) will be required and documented in order to achieve planning permission.

As local residents we have seen flood water adjacent to this site. Construction of houses and an access road adjacent to Loxley Farm would exacerbate the threat of flooding to neighbouring properties.

Please accept this letter as a formal objection to the proposed planning application

Foxleas 06/08/2015

As has been well documented in the Section 19 Flood and Water Management Act 2010 report dated 2014 and conducted by Herts County Council, Long Marston has been subject to flooding over recent years. The planning proposal states that ' Loxley Farm lies outside the flood risk zone and should not be considered at risk of flooding. However, flooding has occurred on several occasions between 2003 - 2014 during our occupation as immediate neighbours, which has impacted Loxley Farm, our property and adjacent properties. Flood water from the South East (rear of Loxley Farm) as well as the North West (Station Road) and entered the boundaries of our property and into Loxley Farm itself. As stated in the Section 19 report, there is no one solution to the flooding in Long Marston or any guarantee that it can be prevented and therefore, flooding again in Long Marston is inevitable and would appear from our 26 years in the village and statistics, to be an increasingly more frequent occurrence.

The planning application claims that the proposed scheme 'will address flooding'concerns however, we believe the opposite to be true and that it will exacerbate the impact of flooding. Whilst, the retention of all existing trees and plantation of new, coupled with the introduction of swales are acknowledged, the

planned development will offer little mitigation to the erosion of natural flood plain and drainage that the land currently provides. Removal of soil which provides natural drainage through the development of 3 properties with parking, turning circles and a courtyard, the natural flood plain that the land presently affords to the South East Farm will be compromised. Consequently this increases the risk of flooding to our property, adjacent listed properties and indeed Loxley Farm itself. Please accept this letter as formal objection to the proposed planning application.

Foxleas 13/05/2016

We write in respect of the above revised planning application regarding Loxley Farm, Long Marston and the notice issued to our home address dated 3rd May 2016.

As has been well documented in the Section 19 Flood and Water Management Act 2010 report, dated 2014 and conducted by Herts County Council, Long Marston has been subject to flooding over recent years.

However, flooding has occurred on several occasions between 2003 - 2016 during our occupation as immediate neighbours, which has impacted Loxley Farm, our property and adjacent properties. Flood water entered from the South East (rear of Loxley Farm) as well as the North West (Station Road) and entered the boundaries of our property and into Loxley Farm itself.

Indeed as recently as Easter 2016, the land for proposed development was flooded after minimal rainfall, as can be seen in the 2

photos below.

As stated in the Section 19 report, there is no one solution to the flooding in Long Marston or any guarantee that it can be prevented and therefore, flooding again in Long Marston is inevitable and would appear from our 26 years in the village and statistics, to be an increasingly more frequent occurrence.

At present minimal rainfall not only floods Station Road and its junction with Chapel Lane, the pumping station frequently reaches hydraulic capacity and cannot deal with the volumes of water, exacerbated by the intrusion of surface water into the dated sewerage system. This impacts us, our neighbours and numerous houses in Chapel Lane who due to the sewerage backing up cannot flush their toilets or use their showers, baths or sinks.

Thames Water responded to several households after the Easter rain when the drains once again backed up. This is a regular occurrence and Thames Water have acknowledged that the pumping station is unable to cope. How can Thames Water therefore consent to additional loading when the present infrastructure cannot cope?

The planning proposal states that Loxley Farm lies outside the flood risk zone and should not be considered at risk of flooding.

How can this statement be made within the application given the experience of the residents who have witnessed flooding first hand as outlined above?

Paradoxically, the planning application then goes on to state that the proposed scheme will address flooding concerns. However, this could only be fulfilled if the current flooding issues in Long Marston were being addressed or this planning application was helping to address them.

Despite the S19 report, this is still not the case and Long Marston continues to flood, with no active plans for any corrective action. Furthermore, this planning application does nothing to redress these problems, it merely adds to them!

The development on land which presently acts as a flood plain and permeates the surface water will significantly compromise this measure, making the ramifications of flooding worse. Furthermore the proposed surface water management strategy assumes that running off into a tributary of the Tring Bourne will not increase flood risk.

The Tring Bourne is already unable to cope with volumes of water after significant rainfall, as demonstrated in 2014, therefore this strategy would appear to be flawed and further compounds an existing problem.

Whilst the retention of all existing trees and plantation of new, coupled with the introduction of swales and raingardens are acknowledged, the planned development will offer little mitigation to the erosion of the natural flood plain and drainage that the land currently provides.

Removal of soil which provides natural drainage through the development of 3 properties with parking, turning circles and a courtyard, the natural flood plain that the land presently affords to the South East of Loxley Farm will be compromised.

The proposed pond is a potential source of flooding to the proposed new builds given the volumes of water witnessed over previous years. Whilst it might offer a temporary storage facility to assist with flow attenuation during normal conditions, it will not be an adequate surface water drainage mitigation during prolonged periods of rainfall as experienced all too frequently in recent years.

Consequently, in our opinion, this application increases the risk of flooding to our property, our neighbours properties, adjacent listed properties, Loxley Farm and indeed the 3 new builds themselves.

Chapel Lane 01/11/215

Please be advised that the area that is to be built on had a very large tanker to pump out water for several hours on Friday.

The previous owners of Loxley Farm have built a very large soak-away filled with gravel to help with the water flooding. This I believe will be built upon. Will the planning insist that this soak away, probably 30x30 metres next to the pond will be kept? I have concerns over this project. The very fact that surface water is already needing to be pumped away is a worry.

Chapel Lane 27/10/2015

I have lived in the lane for a number of years. I have seen Loxley farm flood on a number of occasions. The garden in particular is often submerged in water. The field is so deep cattle cannot graze in it. The Decorum council are fully aware of the flooding, yet the application appears to report no flood risk. I am concerned that the increased housing will not only reduce the flood drainage area but I have concern that there will be even more flood victims. I have tried to sell my home for a long time, each time flooding comes back as a problem. I just would like you to think about the potential risks and flood prevention and recovery plans that need to be put in place before to be put in place in our village. The turning circle for the school is a lovely gesture.

Marston Court 19/08/2015

Objection due to the loss of natural habitat for local wildlife including the great crested newts, bats, owls and badgers that thrive within the area of the submitted planning application, the newts need both aquatic and terrestrial habitat, favouring areas of lowland that contain medium sized ponds, rough grassland, scrub and woodland even though they have a pond which is vital for their breeding they spend much of their lives on land, the management of the land that surrounds the pond is crucial to their survival. The bats and owls use the barns/stables to roost. The land that is proposed for development is their home. There is no guarantee that the newts, bats, owls and badgers will not be affected by this planning application including the proposed road and traffic that will cross the grasslands. We as a community should be conserving and enhancing the homes of our local wildlife helping to increase their population not planning to build on and destroy it.

The residents of Long Marston have experienced serious flooding on many occasions, with ourselves at Marston Court being severely affected. The proposed development is in an area of serious flood risk, what will not only impact the proposed new homes but will have an adverse effect on the homes already here. If more homes are built what will be the impact/strain on the already old, poorly maintained drainage system that already cant cope within the village of Long Marston.

We object to the type and style of the homes proposed, they do not fit in within the conservation area nor are they of an affordable nature. They do not enhance or preserve our village; this application does not allow our rural character to be retained.

The proposed new road opens on to the very busy country lane (Astrope Lane) especially since the opening of the A41 in Aston Clinton Astrope Lane has become a rat run full of passing through traffic. There are no pavements available for local residents, no traffic management or crossings creating safety concerns for both pedestrians and motorists.

The proposed access road across the grassland to the rear of our properties will also cross a very busy and well used public footpath creating risk to the general public, their pets and the wildlife that currently thrives here.

1 Marston Court

I write in respect of the above revised planning application regarding Loxley Farm, Long Marston and the notice issued dated 3rd May 2016. As has been well documented in the Section 19 Flood and Water Management Act 2010 report, dated 2014 and conducted by Herts County Council, Long Marston has been subject to flooding over recent years.

However, flooding has occurred on several occasions between 2003 – 2016 during my occupation as an immediate neighbours, which has impacted Loxley Farm, our property and adjacent properties. Flood water entered from the South East (rear of Loxley Farm) as well as the North West (Station Road) and entered the boundaries of our property and into Loxley Farm itself.

Indeed as recently as Easter 2016, the land for proposed development was flooded after minimal rainfall, as can be seen in the 2 photos below.



As stated in the Section 19 report, there is no one solution to the flooding in Long Marston or any guarantee that it can be prevented and therefore, flooding again in Long Marston is inevitable and would appear from our 26 years in the village and statistics, to be an increasingly more frequent occurrence.

At present minimal rainfall not only floods Station Road and its junction with Chapel Lane, the pumping station frequently reaches hydraulic capacity and cannot deal with the volumes of water, exacerbated by the intrusion of surface water into the dated sewerage system. This impacts us, our neighbours and numerous houses in Chapel Lane who due to the sewerage backing up cannot flush their toilets or use their showers, baths or sinks.

Thames Water responded to several households after the Easter rain when the drains once again backed up. This is a regular occurrence and Thames Water have acknowledged that the pumping station is unable to cope. How can Thames Water therefore consent to additional loading when the present infrastructure cannot cope?

The planning proposal states that “Loxley Farm lies outside the flood risk zone and should not be considered at risk of flooding”.

How can this statement be made within the application given the experience of the residents who have witnessed flooding first hand as outlined above?

Paradoxically, the planning application then goes on to state that the proposed scheme “will address flooding concerns”. However, this could only be fulfilled if the current flooding issues in Long Marston were being addressed or this planning application was helping to address them.

Despite the S19 report, this is still not the case and Long Marston continues to flood, with no active plans for any corrective action. Furthermore, this planning application does nothing to redress these problems, it merely adds to them!

The development on land which presently acts as a flood plain and permeates the surface water will significantly compromise this measure, making the ramifications of flooding worse. Furthermore the proposed surface water management strategy assumes that running off into a tributary of the Tring Bourne will “not increase flood risk”.

The Tring Bourne is already unable to cope with volumes of water after significant rainfall, as demonstrated in 2014, therefore this strategy would appear to be flawed and further compounds an existing problem.

Whilst the retention of all existing trees and plantation of new, coupled with the introduction of swales and raingardens are acknowledged, the planned development

will offer little mitigation to the erosion of the natural flood plain and drainage that the land currently provides.

Removal of soil which provides natural drainage through the development of 3 properties with parking, turning circles and a courtyard, the natural flood plain that the land presently affords to the South East of Loxley Farm will be compromised.

The proposed pond is a potential source of flooding to the proposed new builds given the volumes of water witnessed over previous years. Whilst it might offer a temporary storage facility to assist with flow attenuation during normal conditions, it will not be an adequate surface water drainage mitigation during prolonged periods of rainfall as experienced all too frequently in recent years.

Consequently, in our opinion, this application increases the risk of flooding to adjacent properties, adjacent listed properties, Loxley Farm and indeed the 3 new builds themselves.

I would also add that the field which is an integral part of the Loxley development in which the road giving access to Astrope Lane is to be constructed, as well the proposed turning place for the school bus, has a valuable eco system. There are crested newts in the pond. I have frequently seen bats and barn owls in this field, foxes, hedgehogs and numerous other birds such as jackdaws and house martins. Wild ducks also visit the pond. The construction of a road for whatever reason would be invasive and intrusive and have an adverse effect on the wildlife. I therefore strongly object to this planning application on this basis as well.

Kindly therefore accept this letter as my formal objection to the proposed planning application.

Barnside, Chapel Lane 17/05/2016

I understand that you are the Planning Case Officer for the Loxley Farm Planning Application - 4/02678/15/FUL. I am writing to you as I have significant reservations about the viability and environmental safety of this development and I would be very grateful if you can consider the points below in your evaluation of the scheme.

- Station Road, Chapel Lane, the rear of Loxley Farm and the fields adjoining the proposed Loxley Farm development are prone to flooding, even after relatively small amounts of rainfall. During the last major flood event in 2014, the flooding was so bad that at least 6 homes in the village were flooded and three different families had to move out of their houses for over nine months while substantial repairs to the affected properties were carried out. Since this time, absolutely no flood prevention or flood mitigation schemes have been put in place, and yet we are now proposing to build three new, large houses in the heart of this flood plain. The hardstanding for these new houses, as well as the access road to serve them will only exacerbate the risk of flooding and place additional load on the surrounding ditches and dykes - which have already been proved to fail. In short, proceeding with this development is only going to increase the flood risk in the centre of Long Marston and Chapel Lane, resulting in more damage to properties and families having to move out of their homes for protracted periods of time.
- My understanding is that the developers have proposed a sustainable drainage plan for the site (attenuation pond, swales, rain gardens etc.) and that these will

be maintained by the new house owners. The success or otherwise of these proposed safety measures seem to centre around a regimented and long-term series of physical, gardening activities. Speaking as a householder whose property is placed directly at flood risk by this development, I am concerned that basing the success of this scheme on the new property owners tirelessly following the documented schedule seems a high risk and naive strategy. What if some of the owners are elderly and unable to perform these duties?

- In the event of prolonged rainfall, excess surface water from the proposed development will overflow and be discharged into the ditch which runs past the rear of my property, increasing the risk of flooding in my rear garden and in turn to the rear of my property. The water from this ditch will then discharge into the brook by the cattle drink, causing contention with surface water draining from other areas including Chapel Lane - which will then increase the risk of waters backing up in Chapel Lane - causing greater risk of flooding to the properties in Chapel Lane (a number of which were flooded out in 2014).
- The sewerage pumping station in Chapel Lane, maintained by Thames Water, has been proven to be wholly inadequate in coping with flood events. Its handling capacity is already overloaded by the number of houses which feed into it (its sewerage catchment area already extends beyond the properties in Long Marston), so connecting yet another three large homes to it is only going to exacerbate the existing capacity problem. Furthermore, when flood events occur, surface water leaks into the sewerage system. The pumping station, already under pressure, cannot cope and the entire sewerage system surcharges, causing raw sewage to leak out from manhole covers in the street and downstairs toilets in people's homes to overflow. Do you really want to approve the connection of sewerage from three new, large homes to this already failing system?
- In the latest planning application, the drop-off / pick-up Access Point for Long Marston Junior School has been removed. This was the only part of the scheme which offered any tangible benefit to the village. Please can you explain the reason of this late withdrawal ?
- I have recently spoken to many other residents in the village who have significant concerns with this scheme, but who are not clear on how to raise their objections / concerns. Perhaps you should extend your period of investigation for another 30 days and post some information in the Village Newsletter explaining how people can raise their concerns?

Finally, in summary, proceeding with this development is going to increase the flood risk to houses in the centre of Long Marston and most critically, Chapel Lane. I respectfully ask that you consider the needs and well-being of the existing village residents and decline this planning application

Natterers Barn, Chapel Lane 17/05/2016

- Thames Water Pumping Station

The capacity of the station is at present inadequate for the existing properties it serves. There is sufficient evidence on record to support this statement. Thames Water needs to update the capacity of the system before any additional demand on it is approved.

- Surface Water Management

The development area is immediately adjacent to a flood plain.

There is no evidence that the schedule of works, the management and maintenance plans to prevent flooding and the arrangements to secure the operation of the scheme during its lifetime – have yet been approved and adopted by the appropriate public authority or statutory undertaker.

The proposed removal of water from the site is into a tributary of the Tring Bourne. These watercourses, marked A to C on the plan, are on private land and any clearance works and ongoing maintenance, including access, would require prior agreement with the landowners. This has not been sought or achieved.

l) Conclusions

It is stated that the use of SuDS and the anticipated run off will not increase the flood risk in the culverted section of the Tring Bourne, but it is silent about the increased risk to the open sections marked A to C on the plan.

13 Marston Court 20/08/2015

I have concerns about the above planning proposal on several grounds.

(1) Drainage. Long Marston has experienced severe flooding in the past. Investigations indicated that

the drains for surface water were inadequate and needed to be upgraded, but nothing has been done. The introduction of 4 new houses plus the access road will mean less soak-away and more water going into the already over-loaded drains. Inevitably this will cause future flooding and this in turn will mean increased insurance costs for residents - if, in fact, we will still be able to obtain cover.

(2) Wildlife. The proposal includes a new access road across a field which has always been rough pasture. This field also contains a pond which is the breeding site for newts. The stable block which will be demolished to make way for the 4 large houses is the residence of a colony of bats and at least one barn owl. All these relatively rare creatures will be drastically effected if not obliterated by the proposed development.

(3) Traffic. Introducing a new side-road onto Astrope Lane will inevitably exacerbate the issue of speeding traffic using the narrow, winding lane - which has no pedestrian pavements - as a short cut and "rat-run" at busy times of the day. The proposed access road will also cut across a much-used and valued public footpath which is a safe and secure route for dog walkers and playing children.

(4) Type of development. The proposed houses, having 4 bedrooms each, will be beyond the reach

of most residents and their children. All three of my own sons have had no option but to leave the village of their childhood and upbringing.

It seems to me that this proposed development is entirely driven by profit, with no regard or interest in the needs of the village or on the adverse impact on the environment and community.

Rose and Crown Cottage 16/05/2015

I am writing to object to the above planning application for a housing development in Long Marston. As you will be aware Long Marston is a high risk flood area and residents have suffered greatly in past years. We do not yet have a solution to the problem or indeed even an agreed way forward.

The drainage plans submitted show a complete lack of understanding regarding the severity of the flooding issue as well as the geographical challenges and the inadequate water management systems in the area.

To allow a development that has demonstrated such ignorance of the proposed building site and the associated drainage problems that could seriously impact all property in the area, including the new build, would be completely irresponsible.

It would show nothing but contempt for the residents who have suffered greatly in the past due to flooding in this area that such a poorly informed building development will only exacerbate.

Longridge, Station Road 14/08/2015

We received a notification of the above planning application and have the following concerns:

1. The proposed houses are intended to be built on a flood plain, this area has flooded a number of times, as recently as last year. We are concerned as to what is being done to ensure more water is not redirected to the centre of the village.
2. There are a number of well established trees that border the school field adjacent to the proposed site. We are concerned that they are kept as they are as they are integral to the local conservation area.

Our address is: Longridge, Station Road, Long marston, HP 234Q

We hope these concerns are addressed as part of the planning consultations

No address given

I am writing to express my concerns with the above application and the potential implications for the village of Long Marston as a whole.

You will be very aware I am sure of the terrible flooding we suffered last year. Water rushed through the village and into houses causing tens of thousands of pounds worth of damage. At least two families to my knowledge were in rented accommodation whilst their family homes were repaired for some time afterwards, one may still be.

And why did this happen? Why were the 'plans' for such event not able to cope?

The truth is that no-one knows. I have attended meetings and read reports from a variety of so-called experts and no-one will hold up their hand to take responsibility nor offer an explanations as to why.

What is clear is that the water had nowhere to go. The drains could not cope, the road-side ditches could not cope. The water had nowhere to soak away so ran along the roads and into people's houses. If the same circumstances occurred again tomorrow, the village would flood again.

So with that scenario in mind, how can an application to build more houses, to create

more hard standing and less soak-away areas be seriously considered? It would strike me as unfair on the potential extra flood victims moving into these new properties, let alone the village as a whole.

Until there is clarity as to what caused the flooding and what action is to be taken to protect against a repeat, I would strongly object to any new house building activity in Long Marston.

No address - further to email above 10/05/2016

I have read with interest the website updates, especially the Nimbus report, and would like to make a few observations..

The 'ease' with which the report dismissed the past, current and future flood risks to Long Marston without identifying any concerns is mystifying. Additional hard standing in the form of 3 new large houses and the access road to them can only accelerate the flood waters into the surrounding properties and land

The success or otherwise of their proposed safety 'measures' seem to centre around a regimented and long-scheduled series of physical, gardening activities. Just to be clear here, the immediate neighbours of this new development and, as was proven recently, the village as a whole, is to pin its hopes on the extra flood waters being dissipated by 3 households of people dutifully following Nimbus' maintenance schedule?

I see some importance is attached to the ditches running behind my property and those of many other inhabitants of Chapel Lane houses. These ditches, at least acknowledged by the Nimbus report, are in a poor state of repair. Is there a maintenance schedule for these too?

I also notice the 'application-sweetener' to allow access for parents picking up their kids from the school seems to have disappeared from the details. Am I mistaken or can you please explain the reason for the withdrawal? It was a major point in developing a level of acceptance from many villagers for the plan and without it, would attract a lot more negative correspondence I am sure.

Perhaps it would be caring and very democratic of the council to clarify this point and the general progress of the application as a whole across Long Marston, maybe in the village newsletter? I have met many villagers, concerned by the potential added flood risk posed by this application, unaware of the way to navigate your website and update themselves with the details therein.

Cymric House 22/09/2015

We live in Station Road in the middle of the Conservation Area and in close proximity to the proposed development. Our house, which was built in the mid-19th century, is next to what is now the village primary school's playing field. The proposed development will skirt two sides of this field. We wish to object strongly to the development of these houses in this location.

We have serious concerns regarding the building of houses, the provision of multiple car parking spaces and the construction of a road to serve the development in view of the propensity of this particular area to flooding. We witnessed the severe flooding to this part of the village recently when our own front garden was inundated and we assisted neighbours opposite in baling out the basement of their property. Houses very nearby suffered severe flooding, with residents being forced to leave their homes for

long periods. The planning application states that there will be 13 car parking spaces at the site as well as a tarmacked road, adding substantially to the footprint of the proposed development.

The siting of the proposed development is on greenfield land within the Conservation Area. We have observed barn owls and other wildlife at the site in question. The plan allows for the erection of bat boxes and tunnels for wildlife to use, but these mitigating measures actually highlight the damage such a development would do to the existing habitat, with the incursion of 15+ people, 13 cars, domestic pets, and visitors with cars.

Dacorum Borough Council's Local Planning Framework Core Strategy January 2013 states at CS5 and CS7 that, for small scale development to be permitted within the Green Belt, the proposed development must have "no significant impact on the character and appearance of the countryside" and that it "supports the rural economy and the maintenance of the wider countryside". Long Marston has no requirement for the kind of executive housing planned in this proposal. Large family homes abound in the village, while affordable housing is scarce. We would view positively suggestions to site an appropriate small development of affordable housing in the village that did not necessitate the construction of a new road across open fields and was outside the area that regularly floods.

44 Station Road – 11/05/2016

I would again like to express my concerns regarding the planning application of Loxley Farm. Every time it rains we have huge puddles forming and drains overflowing. As you are aware we were out of our home for over 2 years due to the flooding. Any further building will exacerbate the situation further.

Considerations

Policy and Principle

Policy CS7 of the adopted Core Strategy states that within the rural area, the following uses are acceptable a) agriculture, forestry, mineral extraction, countryside recreation uses; essential utility services and uses associated with a farm diversification project. Policy CS7 states that small scale development will be permitted for the replacement of existing buildings for the same use, limited extensions to existing buildings, the appropriate reuse of permanent, substantial buildings and the redevelopment of previously developed sites provided that it has no significant impact on the character and appearance of the countryside; and ii) it supports the rural economy and maintenance of the wider countryside. CS7 goes on to say that small scale development for housing, employment and other purposes will be permitted at Long Marston provided that it complies with Policy CS1 and CS2 of the Core Strategy.

Paragraph 8.36 of the Core Strategy states that the largest settlements in the rural area are Aldbury, Long Marston and Wilstone. It states that these villages are the most suitable location for small scale, sensitively designed development that meets the long term needs of the rural community and wider countryside. Paragraph 8.36 states that the identification of local needs will be informed by village appraisals. As such it is considered that the scheme which proposes three new dwellings located within the designated village boundary accords with policy CS7 insofar that it represents small scale infill development which complies with policies CS1 and CS2. Part of application proposal (access) site lies outside the village boundary and within Green

Belt Land and therefore, consideration has been given to how this development accords with policy CS5 of the adopted Core Strategy and the NPPF. There is an existing access which services the equestrian use of the site and whilst the proposed new access would amount to a more permanent developed access, it is not considered to adversely affect the overall openness of the Green Belt. The development would comprise inappropriate development in the Green Belt however considering the existing access arrangement, allowance under permitted development rights to lay hardstanding for such purposes and the enabling development to allow construction of new dwellings within the village, it is considered that the access road would be justified by very special circumstances which outweigh the harm. Particular regard will be taken through the discharge of conditions to ensure that the access way remains as undeveloped and open as possible and the rural character and setting of the site is maintained.

Impact on character of the Area and Design

The development site is of particular sensitivity as it is located mostly within the settlement, on the edge and within the Green Belt, and within the Conservation Area. As such, the three dwellings have been designed to take the form of a traditional farmstead layout comprising three quasi traditional farm style buildings with modern additions. Particular care has been taken by the Architect to orientate the buildings in a traditional way but still to ensure that the layout allows for quality and modern residential units. The proposal comprises removal of the existing stable building and replacement with three new houses. The layout is such that they allow sufficient spacing to the rear of the listed building in order to protect its setting and character, and to allow direct longer views from the rear of the site right up through to the listed house. The form comprises a courtyard layout which is designed to pay regard to historical farmyard typography. The public footpath running through the site will remain in place.

The farmstead style of the proposed dwellings is also put forward through the materials proposed. The proposal has sought to keep a simple palette of materials including cast Stone walls, conservation rooflights, natural oak timber doors & panels, dark timber barn paint cladding and slate tiles.

Impact to listed building and considerations of Listed Building Consent

The NPPF states 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

Saved policy 119 of the local plan deals with works to listed buildings and states that the following issues will be taken into account in considering all applications for listed building consent:

- (i) the importance of the building, its intrinsic architectural and historic interest and rarity in both national and local terms;
- (ii) the particular physical features of the building which justify its inclusion in the list;
- (iii) the building's setting and its contribution to the local scene; and
- (iv) the extent to which the proposed works would bring substantial benefits for the

community.

Particular regard has been paid to ensure that the character and setting of Loxley Farmhouse which is a Grade II listed building is maintained. The three dwellings have been sited sufficient distance away from the listed building to ensure that adequate spacing and setting is retained. The dwellings have been designed in a layout which considered a typical historical farmstead form and they are not considered to detract from the setting. The conservation officer has worked with the agent for some time to ensure that the balance between the historical environment and the new development is appropriate and the layout is such that it allows longer views up through the site to the listed building. Subject to the imposition of conditions, it is considered that the buildings are acceptable in design, layout and impact to the character and setting of the listed building in accordance with policies CS11, CS12 and CS27 of the adopted Core Strategy.

Flooding Impacts and drainage Implications

One of the major issues and consideration on this scheme is the impact of the proposal to the area in terms of Flood Risk and drainage. During the course of this application, it has been highlighted that the site often is flooded and that this part of Long Marston suffers from flooding. This issue is a major concern to residents of which many have objected to the scheme. During the negotiations on the scheme, the agent has worked alongside the Environment Agency and the Lead Local Flood Authority who are now satisfied with the proposals submit to conditions. In particular the Lead Local Flood Authority (LLFA) now considers that the scheme demonstrates that the site can be adequately drained. This is based on attenuation and discharge in to the ditch located west of the site and the strategy provides for a management and treatment plain for the drainage system. The scheme also incorporates additional swales which all interception of the overland flow from adjacent properties. The LLFA are satisfied with the scheme submit to the imposition of conditions. The environment agency originally objected on two counts : a) that the scheme involved the use of a non-mains drainage system in a publicly sewered area and that no FRA was submitted to assess impact and mitigation of flooding. Since then, the agent has works with the EA to carry out specific testing to ensure that the development would not result in further flooding implications for the added and that the site itself would be adequately addressed in terms of the Flooding. The specialists have mapped the extent of Flood Zones 2 and 3 and have realigned marginally the siting of the dwellings to ensure that they fall outside Flood Zone 3. As such the proposal accords with the NPPF and NPPG. In terms of the sewerage concern, the proposal has been amended in line with the Environment Agency advice and Thames Water has raised no objection to the scheme.

Impact on Trees and Landscaping

The site currently enjoys mature trees and hedging of which some scattered trees will be removed to allow the development however it is intended to retain all important trees and to supplement them with new plantings of Birch, Hazel and Oak. It is considered that the scheme will generally maintain the mature screened nature of the site and improve the landscape character by additional planting. No objection is therefore raised subject to the imposition of conditions regarding the impact of construction phase to trees and detailed specification of planting.

Impact on Highway Safety

Access to the scheme is via a new proposed driveway taken from an existing access of Astrope Lane. Hertfordshire Highways have raised no objection to the scheme on the basis that the construction phase of the scheme is managed by condition and that highway visibility splays are conditioned. It is considered that due to the number of houses proposed, there would not be any substantial highway implications for the area and adequate parking provision is provided on site for the three new dwellings in accordance with appendix 5 of the adopted Core Strategy.

Impact on Neighbours

The site is located to the rear of Loxley Farmhouse and straddles the primary School. The proposed dwellings are located sufficient distances from the farm house itself to ensure that sufficient space is provided to avoid visual intrusion or overlooking. So too, a key consideration is to ensure privacy and amenity for the school building. The dwellings have been designed to ensure that there would be minimum windows at first floor level adjacent to the school grounds. As such it is considered that the scheme would not give rise to any significant harm to the amenities of the neighbouring properties in accordance with policy CS12 of the adopted Core Strategy. A condition will be imposed which removes permitted development rights will ensure that new windows etc can be considered fully in the future.

Ecology Impacts

The ecology officer has considered the scheme and has raised no objection. The ecology officer considered that no habitat of significant value was considered to be present on the site following the Phase 1 Habitat Survey. No evidence of bats was discovered by the Inspection survey however the activity survey found potential for common pipistrelles. However compensatory habitats for bats have been provided and the Habitat Regulation tests for bats can be satisfied. Great Crested Newts have been previously recorded on the adjacent pond. A such particular programmes for translocation to remove the GCN has been proposed and it is considered that none of the ponds themselves would be affected. Natural England's advice has been followed on site in terms of the GCN. It is considered that the proposed landscaping will provide local habitat improvements however it is acknowledged that there would be some loss of terrestrial habitat namely the loss of grassland. As such further mitigation within the landscaping and scheme has been provided. As such, the ecological officer has raised no objection to the scheme and considered that it adequately addresses any harm that may arise to ecology through careful mitigation and creating new environments.

Affordable Housing

On 11th May 2016 the Court of Appeal judgment relating to the appeal lodged by the Government to the West Berkshire decision was issued (*R (West Berkshire District Council and Reading Borough Council) v. Secretary of State for Communities and Local Government* [2016] EWCA Civ 441.). This decision upheld all four appeal grounds brought by the Government, and reversed the earlier decision to quash the policy. The PPG has also been amended to reinstate the relevant paragraphs previously deleted.

In the light of the Court of Appeal decision, the Council has reinstated its Affordable

Housing Clarification Note. The content of this note remains unchanged from the March 2015 version, with the exception of a few minor changes to update the background content. As such, small scale housing developments of less than 6 units will not have to provide any affordable housing including those located within the village boundaries of Long Marston.

Contaminated Land

The Council's contaminated land officer has not commented on this application however given that it is considered that the site is located within the vicinity of potentially contaminative former land uses given the history associated with the site. Consequently there may be land contamination issues associated with this site. It is therefore recommended that the standard contamination condition be applied to this development should permission be granted. The standard conditions have been added to this recommendation accordingly which will ensure that there are no associated risks due to contamination.

Archaeology

The proposed development site lies within Dacorum Area of Archaeological Significance No 12, which notes that Long Marston is a medieval settlement. An area of extant ridge and furrow (HER6165) survives immediately SW, whilst a well preserved medieval moated manorial site (HER2611) and remnants of adjacent medieval Church of All Saints (HER4374) lies 150m W. The development is proposed for an area of land to the rear of Loxley Farm (LB355757, HER17128), a grade II Listed Building, dating from the early 16th century. It is reasonable to suggest, given its position that this structure/site could have medieval origins. As such, the archaeology team consider that the position and details of the proposed development are such, that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest. It is therefore demonstrated that provisions for investigation and treatment of archaeology is made through conditions in accordance with policy CS27 of the adopted Core Strategy.

CIL

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

The Charging Schedule clarifies that the site is in Zone **3** within which a charge of **£150** per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

Other Material Planning Considerations

It is noted that during pre-applications discussions, the agent has discussed the potential of extending access arrangements for the school in lieu of additional dwellings within the development outside the village boundary. The applicant did not

take this further at application stage because it is considered that these works for the school would not warrant or make acceptable dwellings outside of the village boundary and within the Green Belt. Should this development come forward at a later date, the LPA would consider these works on their own merits however it was considered that the 'gifting' or enabling works for the school would not be found as circumstances to outweigh harm to the openness of the Green Belt by new dwellings.

RECOMMENDATION 5.02 - That planning permission **4/02678/15/FUL** be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The development hereby permitted shall be begun 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 **No development shall take place until samples and details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Details shall include:**

Details of all materials including the use of cast stone and its finish (colour, texture etc) and its justification ;
Details of windows, doors and other openings;
The interface between the upper storey cladding and this cast stone at ground level
Details of rainwater provision;
Details of rooflights

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

Reason: In the interests of the visual amenities of the Conservation Area and historic setting of the development in accordance with policy CS27 and 119 of the local plan.

- 3 **No development shall take place until full details of both hard and soft landscape works in accordance with details under condition 4 shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- II) **hard surfacing materials;**
 - **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
 - **proposed finished levels or contours**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with policy CS12 and CS27 of the adopted Core Strategy.

- 4 **Prior to the commencement of development, a full tree survey, tree constraints plan and tree protection measures in accordance with BS 5837; 2012 shall be submitted and approved in writing by the LPA. The development shall be carried out in strict accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with policies CS12, CS27 and policy 99 of the local plan.

- 5 **The development permitted by this planning permission shall be carried out in accordance with the approved FRA carried out by Nimbus reference C-1526 dated August 2015 and Surface Water Management Strategy reference C1559 dated March 2016.**

- **Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.**
- 1. **Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**
- 2. **Implementing appropriate SuDS measures as indicated on drawing C1559-01 with the use of permeable paving, retention basin and rain garden with discharge into the watercourse.**
- 3. **Providing swales as shown on drawing C1559-01 to intercept any overland flow.**
- 4. **Secure remediation works for existing ditches prior to development commencement to ensure that they shall be kept clear of any obstruction to maintain any surface water flood flow.**

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with policy CS31 of the adopted Core Strategy.

- 6 **No development shall take place until a detailed surface water drainage**

scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro- geological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + 30% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

5. Detailed drainage plan showing the location, size and engineering details of the proposed SuDS, pipe runs, manholes etc.
1. Detailed modelling of the drainage system to support the proposed drainage strategy.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent the increased risk of flooding, both on and off site in accordance with policy 31 of the adopted Core Strategy.

- 7 The development permitted by this planning permission shall be carried out in accordance with the following flood risk mitigation measures:

2. Finished flood levels are set no lower than 0.7 metres above Ordnance Datum.
 - There shall be no raising of existing ground levels within Flood Zone 2 or Flood Zone 3.
 - Any walls or fencing constructed within Flood Zone 2 and Flood Zone 3 shall be designed to be permeable to flood water.
 - There shall be no storage of any materials including soil within the Flood Zone 3 area.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the flow

of flood water is not impeded and the proposed development does not cause a loss of flood plain storage in accordance with policy 31 of the adopted Core Strategy.

- 8 **No development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall contain the programme of works on site, area of construction vehicle parking, delivery and storage of materials within the site and construction vehicles wheel washing facilities and how the development will not affect the adjacent listed building. The construction of the development hereby permitted shall then be carried out in accordance with the approved Construction Management Plan.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and harm to the listed building in accordance with Policies CS8 and CS27 of the Core Strategy.

- 9 **No development shall commence on site until a scheme has been submitted to, and agreed by the Council in consultation with Hertfordshire County Council, for the provision of a fire hydrant no dwelling shall be occupied until the hydrant serving the property or group of properties has been provided to the satisfaction of the Council.**

Reason : To provide for a safe means of access for fire and emergency vehicles in accordance with policy CS12 of the adopted Core Strategy.

- 10 **Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, which clearly demonstrate how refuse is to be collected from the site.**

Reason: The above condition is required to ensure that refuse collection does not have a significant adverse effect on the safety and efficiency of the highway and to ensure that compliance with standards in 'Roads in Hertfordshire – highway design guide' is achievable at all times in accordance with policies CS8 and CS12 of the adopted Core Strategy

- 11 **Vehicular visibility splays of not less than 2.4 m x 43 m shall be provided before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6 m and 2.0 m above the carriageway.**

Reason: In the interests of highway safety in accordance with policy CS8 of the adopted Core Strategy.

- 12 **No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:**
1. **The programme and methodology of site investigation and recording**
 2. **The programme for post investigation assessment**
 3. **Provision to be made for analysis of the site investigation and recording**
 4. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
 5. **Provision to be made for archive deposition of the analysis and records of the site investigation**
 6. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason:to provide properly for the likely archaeological implications of this development proposal in accordance with paragraph 141 of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and the recently issued Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

- 13 **1) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 12.**
- 2) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 12 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason:to provide properly for the likely archaeological implications of this development proposal in accordance with paragraph 141 of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and the recently issued Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

- 14 **Notwithstanding the provisions of the Town and Country Planning**

(General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:

**Schedule 2 Part 1 Classes A, B, C, E, F.
Part 2 Classes A and B**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and its historic setting, and the Flood Risk and drainage of the site in accordance with policies CS12, CS27 and CS31 of the adopted Core Strategy.

- 15 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- **a survey of the extent, scale and nature of contamination;**
- (ii) **an assessment of the potential risks to:**
 - (i) **human health,**
 - **property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
 - **adjoining land,**
 - **groundwaters and surface waters,**
 - **ecological systems,**
 - **archeological sites and ancient monuments;**
- **an appraisal of remedial options, and proposal of the preferred option(s).**

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, Core Strategy.

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

P094_GA_1.01 p3

P094_GA_1.02 P3

P094_GA_1.03 P3

P094_GA_1.04 P3

P094_GA_1.05 P3

p094_SP_00 P3

P094_SP_01 p3

P094_SP_02 P3

P094_GA_2.04 p2

P094_GA_2.05 P2

P094_GA_3.04 P2

P094_GA_3.05 P2

P094_GA_2.01 p2

P094_GA_2.02 P2

P094_GA_2.03 P2

P094_GA_2.04 P2

P094_GA_2.05 P2

P094_GA_3.01 P2

P094_GA_3.02 P2

P094_GA_3.03 P2

P094_GA_3.04 P2

P094_GA_3.05 P2

Water Surface Management Strategy March 2016

Newt Mitigation Plan

P04_ms_01

P04_ms_02

P094_LP_01

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

RECOMMENDATION 5.03 – That Listed Building application **4/02679/15/LBC** be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

Item 5.04

4/01658/16/FUL - CONVERSION OF EXISTING AGRICULTURAL BARN TO 2 SEMI DETACHED DWELLINGS

FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW

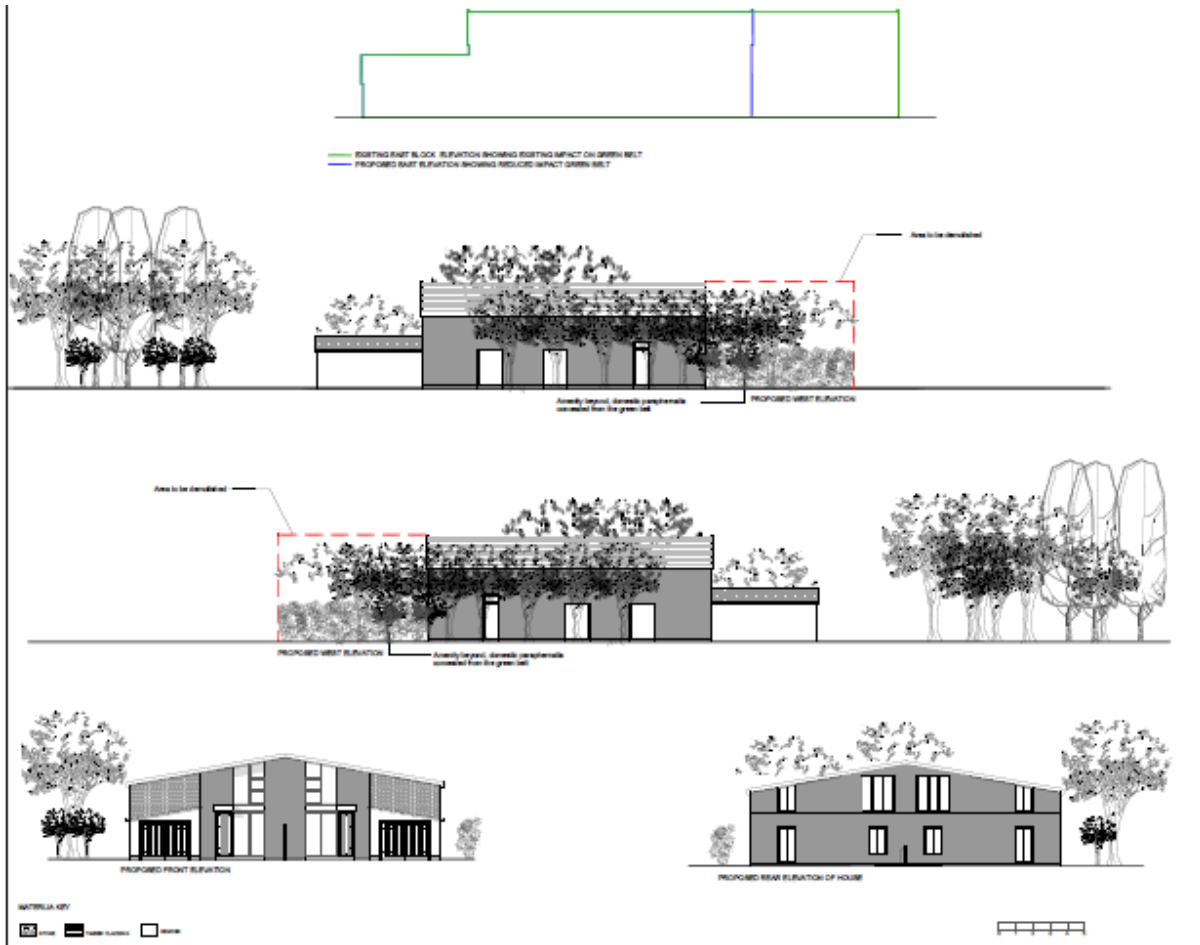


Item 5.04

4/01658/16/FUL - CONVERSION OF EXISTING AGRICULTURAL BARN TO 2 SEMI DETACHED DWELLINGS

FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW

Proposed Elevations



**4/01658/16/FUL - CONVERSION OF EXISTING AGRICULTURAL BARN TO 2 SEMI DETACHED DWELLINGS..
FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW.
APPLICANT: Mr Smyth.**

[Case Officer - Elspeth Palmer]

Summary

The application is recommended for approval as the proposed conversion of existing agricultural barn to 2 semi-detached dwellings complies with CS 5 Green Belt, CS 11 and 12 and CS 27.

There will be no impact on the openness or character of the Green Belt as the footprint and bulk of the building will be smaller than the existing. Via the previously signed unilateral undertaking this conversion will not have a detrimental impact on the rural economy.

The design of the proposal will be in character with the existing building and surrounding countryside. The design and materials of the proposal will also be in character with the adjacent Flaunden Conservation Area.

Site Description

The appeal site is located on the eastern side of Birch Lane, Flaunden and is accessed via an unnamed access lane.

The site is located within the Metropolitan Green Belt and partly covered by the Flaunden Conservation Area.

The site includes a weatherboard timber stable building with laminate roof and timber windows. The western side of the site is bounded by a tall row of trees which screens the barn making it less visually prominent to the adjacent neighbours along Birch Lane. The access road is also included within the site.

Proposal

The proposal is for conversion of existing agricultural barn to 2 semi-detached 3 bedroom dwellings with amenity space to the rear and 3 car parking spaces to the front of each dwelling.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Flaunden Parish Council.

Planning History

4/03481/15/MF CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A
A 4 BED DETACHED DWELLING; CONVERSION OF EXISTING
AGRICULTURAL BARN TO FORM A 2 BED DETACHED
DWELLING WITH MANAGER'S OFFICE; SINGLE STOREY REAR
EXTENSION TO COACH HOUSE; AND REFURBISHMENT AND

IMPROVEMENT OF EXISTING STABLES.

Granted

05/07/2016

4/02986/15/FU CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A
L DETACHED TWO BEDROOM DWELLING
Appeal - non determination - now withdrawn

4/02895/15/FU CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A
L DETACHED FOUR BEDROOM HOUSE WITH HOME OFFICE
AND STABLES (AMENDED SCHEME).
Withdrawn
04/11/2015

4/01123/15/FU CONVERSION OF AN EXISTING STABLES TO FORM A SINGLE
L FOUR BEDROOM HOUSE WITH GARAGE AND WORKSHOP
(REVISED SCHEME).
Refused
21/08/2015

4/00201/15/FU CONVERSION OF EXISTING STABLES TO FORM A FOUR
L BEDROOM HOUSE WITH GARAGE AND WORKSHOP
Withdrawn
17/03/2015

4/01569/05/FU STATIONING OF CARAVAN FOR SAFETY AND WELFARE OF
L HORSES
Refused
20/09/2005

4/02292/03/FU EXTENSION TO COTTAGE AND CONVERSION OF ADJOINING
L STABLES. DEMOLITION OF TACK/FEED ROOM
Granted
18/12/2003

4/00567/03/FU DEMOLITION OF EXISTING TACK AND FEED ROOM,
L CONVERSION OF STABLES AND EXTENSION TO
ACCOMMODATION
Refused
09/05/2003

4/02089/01/CA REMOVAL OF BARN
C
Refused

01/03/2002

4/02088/01/FU REPLACEMENT OF EXISTING BARN WITH NEW
L DWELLINGHOUSE
Refused
28/02/2002

4/00848/01/CA DEMOLITION OF BARN
C
Refused
28/08/2001

4/00821/01/ ONE DWELLING
Refused
28/08/2001

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS5 - The Green Belt
CS7 - Rural Area
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS14 - Economic Development
CS17 - New Housing
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 81, 110.
Appendices 3 and 5.

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Landscape Character Assessment (May 2004)
Planning Obligations (April 2011)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Flaunden Parish Council

Comments on Initial Plans

This application cannot be viewed in isolation. The barn in question is part of a development at Flaunden House Stables, for which detailed planning permission was granted under 4/03481/MFA. An integral part of that permission was the signature of a Unilateral Agreement to ensure that certain land, precisely delineated on the relevant plans, remains **exclusively** for Commercial Equestrian use.

Conditions of the granted planning permission state explicitly that the existing stables are to be renovated 'prior to commencement of development'. It should be noted that in apparent contravention of such Conditions the applicant has commenced other work or activities on the land. This is evidenced by the fact that Dacorum Borough Council has served a S215 'Untidy Land Notice' that builder's rubble/rubbish should be removed from the site by 3rd August, at the time of writing (1st August 2016), this has not been complied with. This gives us little confidence that the applicant will abide by the other planning conditions or obligations set out in the Unilateral Agreement set down by Dacorum Borough Council, such as exclusivity of equestrian use; preservation of trees and hegerows, and gives rise to additional concerns that the applicant will have insufficient regard to other matters such as safety and wellbeing of equestrian activities.

REASONS FOR RECOMMENDING REFUSAL

Unilateral Agreement

As part of Planning Permission 4/03481/MFA, Relic Homes signed a Unilateral Agreement which included the Owners Covenants 16 (b) (iii) in the following terms :

'Not use nor permit the use of any land other than the houses constructed pursuant to the Development or as otherwise provided herein for any purpose other than equestrian stables and associated equestrian uses'.

The plans produced in relation to the current application make it clear that the application would, if approved, represent a breach of the Unilateral Agreement. The application seeks to extend the garden area of both dwellings to outside of the curtilage of the original barn (see attached plan). Such an extension would reduce the area of land designated for equestrian use, and without a variation of the Unilateral Agreement (and a request for such does not form part of the present application) would constitute a breach by the applicant of the Conditions of 4/03481/MFA.

The proposal also suggests that the houses would have 'direct access to fields behind the property'. This statement is incorrect. The fields referred to are designated for commercial equestrian use only. It is not therefore appropriate or practical for the houses to have direct access to the adjoining land and would raise issues of safety for both pedestrians and horse riders.

Design

4/03481/15/MFA states 'The proposed conversions will be designed in a way which will make minimal external changes to the buildings, thus maintaining the rural character of the buildings and complying with CS5 of Core Strategy'. We believe the changes in design on this application do not maintain the rural character. A significant amount of additional glazing is evident at both ends of the building. To the rear elevation a 'Juliette balcony' is proposed, and the addition of what would appear to be two canopies on either side of the building. None of these additions are in sympathy with the rural character of the area.

Removal of Horse Walker

The reference to the removal of the Horse Walker demonstrates further that this application cannot be considered in isolation. Such removal has no direct relevance to the building in this application. However, it is obvious that by removing the horse walker this facility will no longer be available to the tenants of the stables, thus making the commercial equestrian facility less attractive to potential tenants.

Additional Cars and Safety

To consider the implications of an additional property and the additional traffic created, we again feel that this application would need to be reviewed in terms of the affect for the whole site. The aerial view of the site given with this application does not show the car parking arrangements for the whole site.

By creating two houses instead of one detached property and creating an additional 3 parking spaces to the site, gives potential for 14 cars to be parked adjacent to the 4 properties, before taking into account the number of vehicles (cars, trailers, horseboxes and delivery vehicles) which would need to access the site by tenants of the stables.

Access to the two semi detached properties would be through an area designated for commercial equestrian use and give rise to additional traffic in what is already likely to be an extremely congested; movement of horses/pedestrians and vehicles within constrained areas will be an inherent danger.

Comments on Amended Plans

We continue to recommend refusal of this application on the grounds of the unacceptable level of additional traffic, which would come into the site, and the lack of private amenity space. We also believe that the implications of this change of plan should be viewed in regard to the agreed 4/03481/15/MFA and the effect of the development for the whole site.

Supplementary Planning Statement 2.6

The size of the amenity space/garden for both properties is small. The applicant comments that the houses would have direct access to the adjacent fields. Flaunden Parish Council has already pointed out in their objections that the fields referred to are designated for commercial equestrian use only and it is not appropriate or practical for

the houses to have any access to this land, which would raise issues of safety for children, pedestrians and horse riders.

Relic homes states that there is a public right of way which runs across the site, situated to the west of the barn, and show a photograph of this. This is **incorrect**. There is no public right of way through any part of Flaunden House Stables, as is indicated by no path marked on the Definitive Map. The track indicated by Relic Homes as a right of way was used for leading horses from the stables to the lower fields. This is an important aspect of the equestrian use of the land as riders leading horses along the track need to be separated from any horses in the adjacent field.

Supplementary Planning Statement 2.9

Relic homes states that the parking scheme has been amended in line with the Council's recommended maximum standards. However, an additional property to the site would impact on the overall number of vehicles moving around the site, which would cause safety issues for pedestrians, horse riders and vehicles.

Conservation and Design

[Comments received will be reported at the meeting.]

Thames Water

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Trees and Woodlands

Nothing to add to comment regarding previous applications on this site.

There should not be a significant effect on trees of importance within the local landscape.

Hertfordshire Biological Records Centre

1. We do not have any known biological (habitats or species) records for the application site although it is likely that bats and birds are active in this area.
2. I do not consider the barn subject of this proposal has a high likelihood of supporting bats. However it is advisable to be aware of the possibility of bats or birds being encountered and so advise that the following ***Informatives*** are added to any permission granted:
 - ***“Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant.”***
 - ***“Site clearance should be undertaken outside the bird nesting season, typically March to September (inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the building/surrounding vegetation should be made by a suitably experienced ecologist and if active nests are found, then works must be delayed until the nesting period has finished.”***
3. This advice is consistent with previous advice on this site.

Contaminated Land Officer

The site has a potentially contaminative use; it is also located within the vicinity of potentially contaminative former land uses (infilled ponds, former burial ground). Consequently there may be land contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Response to original plans:

Birch Lane House, Birch Lane - objects

- The proposal to build two three-bedroom residential houses rather than one four-bedroom dwelling would bring significantly more residential traffic to the site. Access to the houses would be through an area that is designated for commercial equestrian use only (4/03481/15/MFA). This is inappropriate on the grounds of additional safety risk to both horses and users of the equestrian facilities, an area that was discussed by the DCC, based on concerns expressed by the British Horse Society, as an area of concern in granting approval for conversion into a single residence.
- Garden amenity space is inadequate and reference to future occupiers having direct access onto the fields behind is inaccurate. The fields and land surrounding the building has been specifically restricted for use only as commercial equestrian

stables and associated equestrian uses (4/03481/15/MFA). As such, use of these fields as freely accessible areas to make up for inadequate garden provision goes against the designated use of the land, is unsafe and unworkable if the equestrian activities are subsequently sold as a separate entity, as they are likely to be.

- It is now noted that a further drawing has now been submitted (15.149.P9.202) with a larger amenity space, achieved by removing a horse walker and extending the garden by taking additional space specifically identified by the DCC as 'to be used only for equestrian purposes', therefore contravening a condition stipulated by the DCC in the earlier approval granted.
- The application states that the proposal 'seeks to sensitively convert this agricultural building' and that the design is 'deliberately kept simple and in sympathy with an agricultural use, in order to maintain the agricultural character of the existing building with a few glazing elements added'. This is not an accurate reflection of the plans submitted.

-The rear elevation now comprises circa 40% glazing, added from ground level to eaves height plus a large balcony.

- The front elevation comprises of around 30% glazing added from ground level to eaves height.

- East and West elevations both have a covered canopy area over the glazed panels.

The design is therefore neither 'sympathetic' nor 'simple' and is not in keeping with any other building in the village.

- Conservation and design approved the conversion of Barn A under proposal 4/03481/15/MFA only after determining that 'the peppering of the roof with roof lights was detrimental to the character of the building' and on the basis that only a high level strip window be used instead close to the eaves. This retained the character of the building and also protected neighbouring properties privacy. The balcony on the rear elevation will allow Birch Lane House and gardens to be overlooked and destroy the current privacy enjoyed. This, together with the scale and number of glazed panels on the front and rear elevations also conflicts with these, justifiable, previous concerns and planning requirements and totally contravenes this earlier concern, both on privacy, character and aesthetic appearance grounds.
- Great emphasis has been placed on the retention of the hedge and tree line on the west elevation by Dacorum Planning to protect neighbouring privacy. This tree line is less than two metres from the building and the addition of a substantial decorative canopy is neither practical, appropriate or consistent with earlier approval conditions. It simply increases the likelihood of this treeline and hedgerow being damaged and removed during the conversion process.
- Application 4/03481/15/MFA included significant discussion on the need to restrict glazing and external domestic additions to ensure privacy and character is maintained. This latest application completely ignores this important requirement in granting the earlier permission.
- No attempt has yet been made to refurbish the stables, a condition of the earlier

approval (4/03481/15/MFA). Similarly, the professional equestrian third party to which Relic alluded the equestrian yard was to be let at the DCC meeting has not materialised and the stables remain unused and in disrepair.

The Old Chapel - objects

- proposal will bring more traffic;
- parking provision of two cars per dwelling is inadequate;
- garden amenity space is inadequate;
- the design is not sympathetic nor simple and is not in keeping with any other building in the village;
- too much glazing; and
- row of trees and hedge on western elevation must be retained.

106 Flaunden and Flaunden House (same owner) - objects

- loss of privacy for Flaunden House (ie. bathroom and garden area);
- inadequate parking;
- increased traffic;
- surrounding land will be for the equestrian use not for use by the residents of this dwelling; and
- the design is neither sympathetic nor simple and it has too much glazing.

Responses to amended plans:

106 Flaunden and Flaunden House (same owner) - objects

- Building 2 three-bedroom homes rather than 1 four-bedroom house would result in significantly more residential traffic on a regular basis, with access being through an area solely for commercial equestrian use. This is unsafe for horses and users of the equestrian facilities.
- The garden amenity space for two large homes is still not adequate, and occupants of the house(s) should not be under the impression that they can use the former lorry park as a garden as this is to be returned to green belt.
- The so-called 'public right of way' running to the west of the barn is in fact a fenced walkway for use solely by users of the equestrian facilities to allow them to reach lower fields safely without having to walk through other fields before releasing horses for grazing. It cannot be used for any other purpose.
- Although some glazed panels from the front and rear elevations have been removed, Relic have put back a double door sized glazed panel on both the East and West elevations, with obvious impact on privacy.
- No attempt has yet been made to refurbish the stables, a condition of the earlier approval (4/03481/15/MFA). The stables continue to be unused and in a state of

increasing disrepair. This points to Relic's total disinterest in sustaining the equestrian business, and just concentrating on maximizing their profit by attempting to increase the number of homes built at Flaunden House Stables.

- The deadline for the clearance of unauthorised waste dumped on the site has now passed and Relic Homes have failed to comply with the notice to clear served on them by Dacorum Enforcement.

Birch Lane House, Birch Lane - objects

- I note that the garden amenity space has now been reduced to the area contained in the previously approved application for a four bedroom dwelling but is now separated into two. This has addressed the inappropriate use of land previously approved only for equestrian use, however the amenity space that is left is wholly inadequate for two large three bedroom properties. I also note that the Supplementary Planning Statement states that there is a public right of way running across the site, situated to the west of the barn. This is not true, there is no public right of way and it is therefore not true that 'any future occupiers of the dwellings would have unrestricted rights of way leading to the fields to the rear of the barn' as also stated in the Supplementary Planning Statement. The photograph that has misleadingly been included is a fenced walkway used exclusively by the equestrian activities on the site to lead horses safely down to the fields, segregating them from other horses in the adjoining fields, prior to being released for grazing in individually fenced fields. It is therefore, as detailed in the previous approval land that can only be used for commercial equestrian activities. As such my earlier objection, detailed below, still remains.
- Whilst removing some glazed panels from the front and rear elevations I note that they have put back a double door sized glazed panel on both the East and West elevations. Any additional glazing on the West elevation will impact on our privacy as we have previously stated and also detract from the rural aspect of the current barn, particularly in the winter period when the deciduous hedgerow provides only limited privacy. Our fears that this hedgerow will be compromised in the conversion also remain.
- It is interesting to note that in their supplementary statement no attempt has been made to address or comment on the impact this proposal would have on the equestrian activities, the retention of which was an integral part of the earlier approval. My previous points 5, detailed below, therefore remains valid.
- Furthermore, the deadline for the clearance of unauthorised waste dumped on the site, outlined in my earlier objection point 6 below, has now passed and Relic Homes have failed to comply with the notice to clear served on them by Dacorum Enforcement.

Considerations

Policy and Principle

The Development Control Committee refused the conversion of this building for residential purposes at its meeting on 6 August, 2015 for the following reason:

By removing an existing equestrian use, the proposal fails to support the rural

economy, contrary to Policy C5 of the Core Strategy, and has failed to demonstrate that every reasonable effort has been made to secure a business, recreation or tourism-related reuse, contrary to saved Local Plan Policy 110.

The principle of residential conversion of this building was later approved under 4/03481/15/MFA which included a holistic approach for the whole site at Flaunden House Stables.

The Development Control Committee at its meeting on 7th April, 2016 recommended that the above application be delegated to the group manager with a view to approval subject to the signing of a Unilateral Undertaking which would bind the property and every part thereof to carry out and comply with the obligations.

The obligations are:

- that the existing stables be only used for commercial uses;
- Barn 2 will be the Manager's cottage;
- the land (except for that shown on the Master Plan - ownership map) which will belong to the dwellings approved under this development will be used for equestrian stables and associated equestrian use.

The Unilateral Undertaking is to ensure that a commercial equestrian use is re-established on the site by tying the two bedroom dwelling, the 16 stables and associated land together for sole use of the equestrian activity;

This subject site is within the area covered by the Unilateral Undertaking.

The current proposal

The main differences between that already approved and that now proposed are:

- two separate dwellings;
- more parking;
- outward appearance; and
- amenity space has been reduced.

Impact on Green Belt

As there is no increase in the footprint proposed when compared to the previous conversion scheme, and minimal changes to the exterior of the building there will not be an impact on the openness or character and appearance of the green belt or countryside.

Effects on appearance of building

The appearance of the building has changed from that previously approved.

Amendments are being sought to ensure that fenestration is reduced further and that the materials are to the satisfaction of the Conservation Officer.

These amendments will ensure that the proposal will not have a detrimental impact on the character of the building.

Impact on Street Scene / Conservation Area

The building is well removed from Birch Lane and will not be visually intrusive in the street scene. The amendments sought by the Conservation Officer will ensure that the design will not detrimentally impact on Flaunden Conservation Area.

Impact on Trees and Landscaping

The tree line and hedge along the western boundary of the site are an important screen between the building and other dwellings which face Birch Lane.

Conditions will be placed on any approval to ensure that this vegetation is maintained.

Impact on Highway Safety

There is no change to the access to be used by the site.

Impact on Neighbours

All the neighbours are further away than the 23 metre standard in the DBLP and so it is considered that there would be no loss of privacy as a result of the proposal and no loss of sunlight and daylight.

Amenity Space

Appendix 3 of the Dacorum Borough Local Plan states that "private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 metres. Ideally a range of garden sizes should be provided to cater for different family compositions, ages and interests."

Each proposed dwelling will have 77 square metres of amenity space to the rear of the dwelling. The distance of 11.5 metres was stated in Appendix 3 as the distance for rear gardens as it is half of the 23 metre distance stated in Council guidance for spacing of dwellings to ensure privacy. In this case there are no rear neighbours close to the site to require the 11.5 metres to be strictly adhered to. The overall size of the amenity space is considered adequate for a 3 bedroom dwelling in this location.

As correctly stated in some of the objections the land surrounding the dwellings will be used for equestrian purposes and will not be open land or public open space but the countryside and public footpath network are located in close proximity to this site.

Car Parking

The maximum parking standards in Appendix 5 of the Dacorum Borough Local Plan states that 3 bedroom dwellings outside of Zones 1 and 2 must have 2.25 spaces. The provision of 3 car parking spaces per dwelling complies with this standard.

Other material planning considerations

As this application is in effect an amendment to the previously approved 4/03481/15/MFA the relevant conditions placed on this approval to ensure the equestrian use is re-established on site have been applied to the current proposal.

If the conditions were not applied to this approval the current proposal could be built with no work being carried out towards the re-establishment of the equestrian use on the site which would be contrary to the MFA approval and the previous decision at DCC to refuse the original proposal to convert the building to residential.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The development hereby permitted shall be begun 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 No development shall take place until details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area to comply with CS 11,12 and 27.

- 3 No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc,

indicating lines, manholes, supports etc);

- **retained historic landscape features and proposals for restoration, where relevant.**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 4 Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 5 All remediation or protection measures identified in the Remediation Statement referred to in Condition (4) shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results

providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

6 Prior to commencement of development the refurbishment of the stables as described in the approval for 4/03481/15/MFA and listed below must be completed.

- **Replacement and renewal of worn felt roof on the stables;**
- **Replacement of rotten stable doors with new stable doors;**
- **Repoint loose bricks to the bottom of wall; and**
- **Renew / seal leaking rainwater goods.**

Reason: To ensure that the stables are refurbished and that they are available for the re-establishment of the equestrian use on the site and therefore complies with CS5 with particular reference to supporting the rural economy.

7 Prior to the commencement of development, plans showing the layout of the equestrian use shall be submitted for approval by the local planning authority to demonstrate the stables, supporting buildings and infrastructure for the operation of the livery yard, provide for horse and pedestrian safety and will support the rural economy in terms of a sustainable equestrian facility.

Reason: to ensure the proposed use supports the rural economy and maintenance of the wider green belt countryside as well as highway safety in accordance with policies CS5 (Green Belt), CS9 (Management of roads) of the Core Strategy 2013, Policy 51 (Development and transport Impacts), Policy 81 (Equestrian activities) of the Dacorum Borough Local Plan 2004 and the NPPF.

8 Detailed proposals for the fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be

submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and in accordance with the approved details thereafter implemented prior to occupation of any building forming part of the development. The development shall thereafter be implemented in accordance with those approved details.

Reason: To enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies in accordance with core strategy policies CS1, CS4, CS12 & CS29.

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes [A, B, C, D, E, F, G and H]
Part 2 Classes [A, B and C].**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and to comply with CS 5, 11, 12 and 27.

- 10 **Prior to commencement of development a Business Plan for the equestrian use must be prepared and approved by the local planning authority.**

Reason: To comply with CS5 with particular reference to supporting the rural economy.

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

CIL Form
Design and Access Statement
Planning Statement dated 26 July, 2016
Supplementary Planning Statement 4 August, 2016
15 149 P9 001 Rev B - Location Plan
15 149 P9 100 Rev C - Existing and proposed Site Plan
15 149 P9 201 Rev B - Existing Plans and Elevations
15 149 P9 202 Rev C - Proposed Floor Plans
15 149 P9 203 Rev C - Proposed Elevations
15 149 P9 204 - Comparison Footprint

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

Article 35 Statement:

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the

Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Informatives:

Highways

AN1. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

AN2. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Protected Species

“Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant.”

"Site clearance should be undertaken outside the bird nesting season, typically March to September (inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the building/surrounding vegetation should be made by a suitably

It is possible that bats may be using areas of the existing building.

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;

Recklessly disturb bats;

Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

Thames Water

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Item 5.05

4/01227/16/FUL - DEMOLITION OF EXISTING 4 BEDROOM DETACHED HOUSE AND GARAGE. CONSTRUCTION OF REPLACEMENT 4 BEDROOM HOUSE

SHANTOCK, VENUS HILL, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PG



4/01227/16/FUL - DEMOLITION OF EXISTING 4 BEDROOM DETACHED HOUSE AND GARAGE. CONSTRUCTION OF REPLACEMENT 4 BEDROOM HOUSE.. SHANTOCK, VENUS HILL, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PG. APPLICANT: Mr Badcock.

[Case Officer - Intan Keen]

Summary

The application is recommended for approval.

The redevelopment of existing buildings in the Green Belt is considered appropriate in accordance with the NPPF. The proposed development would not represent a materially larger building than the existing and therefore would not compromise the openness of the Green Belt. The proposed dwelling would not have an adverse impact on the appearance of the street scene or the wider countryside. The development would not have an adverse impact on the residential amenity of neighbouring properties. Car parking arrangements would be sufficient.

The proposal is therefore in accordance with the NPPF and Policies CS5, CS11 and CS12 of the Core Strategy.

Site Description

The application site is currently occupied by a detached, wide chalet bungalow set on a generously sized plot located on the northern side of Venus Hill in the Green Belt. Levels fall slightly to the south from the application site to Venus Hill. The application site features neighbouring two-storey dwellings either side at Shevington and Oxgate which are fairly similar in terms of height and bulk.

Proposal

Planning permission is sought for a replacement dwelling, specifically the demolition of the existing chalet bungalow and the construction of a two-storey detached dwelling, based on amended plans.

The proposed dwelling would have a similar siting to the existing. Specifically it would be set back a further 3.5m from the street frontage (approximately 18.5m to 22m). The site layout would maintain the main area of private amenity space to the rear and open car parking within the forecourt.

The development would have a two-storey form, replacing the existing chalet bungalow. It would feature a gable roof with three front wall dormers and a gabled two-storey rear projection with a maximum height of 8.5m.

The replacement dwelling would contain day-to-day living accommodation together with four bedrooms and study at ground floor.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Bovington Parish Council.

Planning History

Application 4/01317/05/FHA for two-storey side extension was granted. This development has been carried out. A double garage was traded off for the extension to accord with Green Belt provisions and has been demolished. Permitted development rights for Classes B, C, D and E (including outbuildings) were removed by condition.

Application 4/01680/13/LDE for detached dwellinghouse, detached garage and garden amenity space was granted. This application is relevant because it considered the lawfulness of the existing detached garage (proposed for demolition under the current application). It was found that the detached garage was constructed under permitted development rights prior to implementation of the earlier 2005 application and was therefore lawful at the time of construction.

It was noted under the officer report for this application that although the loft had been converted, the roof light served a first floor bathroom.

There are no other openings serving the loft (at second floor level).

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 22, 23 and 58
Appendices 3 and 5

Summary of Representations

Shevington, Venus Hill

We were very surprised to receive notification of this application to demolish and rebuild Shantock as this property was only demolished and rebuilt in the last 10 years.

We understood that being Green Belt the allowed increase in size of a property was (at Planning's discretion) approximately 30% of the original footprint and consequently we

urge you to look at the planning history of Shantock. The original house had a very small footprint and no garage and it was extended:-

1. Mid 1960's - addition of front and rear extensions
2. 1973ish - addition of a double garage with utility room
3. Aug 2005 - two storey side extension (4/01317/05/FHA)
4. 2005/2006 - Shantock was demolished and replaced with a large house and double garage - we deduce from the Planning website that this was done without planning approval and retrospective permission had to be granted in April 2014 as the owner claimed continuous C3A use prior to 2008.
5. This new house would appear to be larger again and, without wishing to appear sceptical we have no doubt that a garage will also 'appear' in due course.

Our main objection to this application however is that, as you will see from the attached, the position of the new house is being moved. The rear of the current house is approximately in line with that of our house but the new property is shown as being set much further back on the site. Positioning this new property such that it is further into the back garden will, from our perspective, cause further unreasonable visual intrusion and the large west elevation ground floor windows will overlook our property meaning loss of privacy.

Whilst unconnected to this application but very relevant to our assertion of visual intrusion and loss of privacy, in October 2010 Planning approved the demolition and rebuilding of the property on the other side of our house and allowed them to move that new house from the very front of their plot to a position very much towards the rear. We feel extremely upset that our house is now effectively being put in a tunnel between the houses on either side of us.

Shevington, Venus Hill - comments in relation to amended plans

We note that amended information and plans/drawings have been submitted however these do not alter our objections, in fact in some respects they make matters worse and would draw your attention to the following :-

1. It is stated that "the proposals would have no adverse impact upon adjoining owners" and "improved relationship to adjoining owners" which we contest is absolutely not true, loss of privacy and unreasonable visual intrusion are still VERY relevant.
2. As previously mentioned and noted by Bovington Parish Council in their rejection "the building line has been changed" and "will impact on neighbours". The amendments in no way rectify this. This is our major objection.
3. The original plan showed large windows in the west side of the building, to which we strongly objected on grounds of invasion of privacy, these have now been replaced by large patio doors, which will cause even greater invasion of privacy. Windows or doors in the west elevation will overlook our house and garden and as the plans for the rooms they would serve already include large windows/doors to the north and south they are unnecessary.
4. The original application stated that the house would be repositioned slightly to the west i.e. closer to our property, the revised application states that they are "repositioning the building away from Shevington so as to increase the separation

distance to boundaries”, unfortunately we cannot see the exact measurements but it looks as though the proposal is to build the house the same distance from the boundary as at present and this ‘repositioning’ statement relates to the original application not the current position - a double bluff!

5. The application stated that “at the front of the site there is a 2m high hedge with a single adjacent gated entrance”, it also stated “the garden to the rear, driveway and access are to be as existing” and “vehicular and pedestrian access as existing”. As you know from your site visit the applicant has, since submitting the original application, already made a second entrance onto Venus Hill and has sawn down a mature oak tree.

We again urge you to examine the planning history of this property.

Bovingdon Parish Council

The building line has been changed. Appears to exceed the 30% rule of the original footprint. Will impact on neighbours.

Trees and Woodlands

No real issues at Shantock, Venus Hill, Bovingdon.

There are a couple of trees close to the existing building whose root systems will have adapted to nearby foundations. Therefore, these trees won’t then be affected by the new building.

The only tree that would warrant the physical protection of its stem would be the Oak adjacent to the property’s access. Protection with a fence would help to avoid any physical impacts with demolition / construction traffic.

Hertfordshire Environmental Records Centre

I have received the bat report for the above and can confirm there is no reasonable likelihood of bats at this site, and so the application can be determined having taken bats fully into account.

For information, whilst it is obviously important to receive bat reports, surveys should only be undertaken when there is a reasonable likelihood of bats being present - and affected by the development. In this case, I was fairly unconvinced that a survey was justified given the nature of the building and so I asked for additional photos of the features highlighted in the previously attached guidance. Whilst assessment in this manner is obviously not entirely reliable, in some borderline cases it helps us to make a more informed judgement based on particular evidence and risk assessment. It is possible that had these additional photos been taken they may have demonstrated my suspicions that access and roosting opportunities were unlikely, and so the detailed survey report would not have been justified. This is often the case in pre-application work where we may have no details of the proposals or the site; further evidence is needed before advising on whether we think the LPA is justified in requiring a bat survey.

Of course one can never say never – and the implications are greater if a demolition is

involved - but we do try to provide advice which is fair to ensure the planning system can be properly progressed without placing undue restrictions, costs or time limitations on the proposals, LPA or applicant. In this case, whilst the bat report confirms the position (as far as it reasonably can) and is valuable in this respect – and it would certainly serve to help avoid delays if something is otherwise discovered later on. Applicants / developers are of course entirely free to commission reports as they see fit, and this will always aid the planning process and our advice. However it may be helpful to recognise that in some situations, further evidence as advised can help inform the justification for further survey work.

I have attached the extra information sheet I provided before (although I have added a photo now) and would welcome any comments you may have on it.

Considerations

Policy and Principle

Paragraph 89 of the NPPF outlines that new buildings are inappropriate development in the Green Belt. There are some exceptions to inappropriate development, one of these is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. This is echoed by Policy CS5 of the Core Strategy. The proposal would not conflict with objectives in terms of supporting the rural economy and maintenance of the wider countryside.

Replacement dwellings are acceptable in principle under saved Policy 23 of the Local Plan.

Impact on Green Belt

Reference is made to paragraph 89 of the NPPF which states that the replacement of a building is one of the exceptions to inappropriate development, provided the new building is in the same use and not materially larger than the one it replaces. Similarly, Policy CS5 of the Core Strategy states within the Green Belt, small-scale development will be permitted, including the replacement of existing buildings for the same use.

Saved Policy 23 of the Local Plan states that any replacement dwelling should not be larger than the dwelling which is replaced, or the original dwelling on the site plus an allowance for any extension that would have been permitted under Policy 22.

Based on this wording, it is considered that saved Policy 23 of the Local Plan does not refer to an assessment in terms of whether the replacement building is 'materially larger' and contains additional criteria for replacement dwellings not mentioned within Section 9 (Protecting Green Belt land) of the Framework.

An appeal decision relating to a replacement dwelling (at Woodland View, Rossway, Berkhamsted under 4/02067/13/FUL) is relevant in terms of how much weight to give to saved Policy 23 in this instance. The following extract of the appeal decision is noted:

"On this point I agree with the Inspector for a previous appeal on the same site who concluded that Policy 23 is inconsistent with the advice in the Framework which

specifically relates the size of a proposed replacement building up to the one which is to be replaced. I also agree that the phrase 'materially larger' does not have the same meaning as a 30% increase which is referred to Policy 22. I therefore place little weight on Policy 23 of the Local Plan in relation to this appeal"

The approach to the application of 'materially larger' was explained by the Court of Appeal in R (oao Heath & Hampstead Society) v Camden LBC 2008 AER 80. This decision found that size is the primary test, but not the only one. The addition of 'materially' allows for the exercise of judgement. Such judgement must focus upon the purpose of the Green Belt, that is, to maintain openness.

The assessment should include a reference to the objective facts as to size, such as volume, height, footprint and floor space. It has also been accepted that regard can be given to matters such as bulk, scale, mass and prominence when reaching an overall planning judgement.

Therefore, in assessing whether the proposed dwelling would be materially larger than the existing, the following comparisons and figures are noted:

Building	Floor space	Footprint	Height
Existing	215.44m ²	119.7m ²	8.6m
Outbuilding	44.2m ²	44.2m ²	6.05m average
Total existing	259.64m ²	163.9m ²	
Proposed	304.3m ²	137.55m ²	8.5m
Difference	44.66m ² increase	26.35m ² decrease	0.1m decrease

The floor space increase would amount to approximately 16% of the existing development on the site. The proposal would also result in an 11% increase in volume from approximately 871m³ to 965m³ (a difference of 94m³).

Consideration must be given to other factors when assessing the appropriateness of the increase in size of the replacement dwelling. The increase in building quantum should be balanced against the reduction in footprint and sprawl of buildings. In scale terms, the proposal would represent a reduction (0.1m decrease in height).

With respect to bulk and mass, the proposed dwelling would be 2m wider than the existing, with a similar depth. The two-storey rear gable projection adds to the bulk of the building, however it would be set down from the main roof and from most angles would be viewed against the backdrop (or concealed) behind the main part of the dwelling. The additional physical permanence of this outshoot is offset by the loss of the detached garage.

On this basis, the proposed dwelling is not considered to be materially larger than the buildings which it would replace, and therefore would not conflict with Green Belt provisions of Section 9 of the NPPF or Policy CS5 of the Core Strategy.

Permitted development rights for Classes B, C, D and E were removed under the previous application (referenced above) for a replacement dwelling. It is therefore considered reasonable to remove the same permitted development rights if planning

permission is granted to safeguard the open character of the Green Belt.

Impact on site layout

It has been noted that the building would be relocated approximately 3.5m further within the site, therefore increasing the setback to the street frontage to 22m. The main building at Shevington is also sited approximately 22m from Venus Hill (its two-storey projection set back 16.3m from the street), and Oxgate has a set back of 19m. When looking at the proposed block plan, it appears that the replacement dwelling would achieve an acceptable transition between the street setbacks of the adjacent dwellings either side. The increase in distance from the road frontage by 3.5m is not considered to compromise the character or pattern of development within the area.

A sufficient separation from both side boundaries would be maintained noting the proposal would incorporate adequate space around the dwelling so not to result in a cramped layout.

There are no other concerns with respect to the site layout, noting that the rear swimming pool and associated hardstanding would be removed. This is considered a benefit to the site and surrounding area, considering the rural character.

Adequate space for access and car parking would remain to the front of the dwelling. The resultant garden area would exceed the minimum average garden depth set out in saved Appendix 3 of the Local Plan and would be generally similar to that of surrounding residential properties.

The proposal is therefore acceptable in accordance with Policies CS11 and CS12 of the Core Strategy.

Impact on appearance of street scene and countryside

The proposed development would have a similar building outline to the existing dwelling noting a slight reduction in height (approximately 0.1m) and 2m increase in width. The dwelling would be similar to the existing noting the gable roof of similar pitch. As noted above, the dwelling would have been set back further than the proposed dwelling however would maintain an elevated position relative to the street.

The new dwelling would adopt similar features to adjoining dwellings at Shevington and Oxgate, such as a two-storey appearance and gable features to the principal elevation. These would not raise any concerns with respect to the impact on the street scene.

Building height at 8.5m would ensure a suitable transition between building heights following the slight fall in levels in a generally eastern direction.

The dwelling would be suitably proportioned with respect to roof forms and wall to window proportions.

Proposed building materials of red multi brick and plain clay tiles would be similar to the existing dwelling and would not raise any objections. Timber openings are proposed which would also be acceptable. These shall be conditioned.

Given the above considerations and Green Belt assessment above, the proposal would not have a harmful impact with respect to the character and appearance of the surrounding countryside.

The proposal is therefore considered appropriate with respect to the appearance of the street scene and surrounding area in accordance with Policies CS11 and CS12 of the Core Strategy.

Impact on trees and landscaping

No significant vegetation has been proposed for removal to accommodate the replacement dwelling. It is however considered necessary to protect the existing Oak tree within the frontage by condition if planning permission is granted. In light of previous vegetation removal and to enhance the appearance of the site, a landscaping condition shall be attached to any future permission.

Impact on neighbouring properties

The application site has two directly adjoining properties, the dwellings either side at Shevington and Oxgate. Immediately to the rear are open agricultural fields.

Shevington is a two-storey detached dwelling and is sited approximately 6.7m from the common side boundary. There are no side windows within the nearest side elevation of Shevington facing the application site, which is also the case as shown on the most recently approved plans for this neighbour (reference 4/02087/01/FHA). The proposed dwelling would be sited beyond the rear elevation of the neighbour, however would not encroach into a 45° line from the nearest rear-facing habitable room windows. Therefore, the proposal would not result in an adverse loss of light to this neighbouring property.

The separation between dwellings at Shevington and the application site would reduce from approximately 10.5m to 9.9m (0.6m difference). The slight repositioning of the dwelling closer to the neighbour is not considered to result in an adverse level of visual intrusion. The dwelling at Shevington is sited on a plot of generous width and rear garden depth, also noting that rear-facing windows are not obstructed by other development or solid boundary treatment. The decrease in separation between the two properties therefore would not raise any concerns with respect to visual intrusion.

The ground floor double doors within the side elevation of the proposed dwelling would not raise concerns with respect to overlooking, noting boundary treatment of 1.8m high timber fencing between Shevington and the application site. The upper-floor north-western side-facing windows would serve bathrooms. If planning permission is granted, it would be reasonable to attach a condition requiring these to be obscure-glazed and non-opening below a height of 1.7m above finished floor level to avoid overlooking to the neighbour.

With respect to Oxgate, the proposal would also result in a slight reduction in the separation distance between the two properties. The proposed dwelling would be 1.4m closer to the dwelling at Oxgate at its closest point, the flank wall of the single-storey side projection. At a minimum distance of 11.4m from Oxgate, the proposed dwelling would not cross a 25° line from the midpoint of side-facing ground floor windows of this neighbour. As such, the proposed dwelling would not result in

adverse levels of visual intrusion or loss of light. The main elevations of the dwelling at Oxgate would not be adversely affected with respect to the 45° to front and rear windows.

A condition would be placed on any future permission requiring the first floor side-facing windows to be obscure-glazed and non-opening below 1.7m from finished floor level to prevent unreasonable overlooking to the neighbour at Oxgate.

It follows the proposal would not have an adverse impact on residential amenity in accordance with Policy CS12 of the Core Strategy.

Impact on car parking

The proposed site layout would provide sufficient space for parking of three cars, which would meet maximum parking standards for a single dwelling, in accordance with Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

Sustainability

The development would ensure an appropriate overall sustainable performance through the implementation of modern building regulations. It is therefore considered that the application meets the objectives of Policy CS29 of the Core Strategy.

Community Infrastructure Levy (CIL)

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

The Charging Schedule clarifies that the site is in Zone 2 within which a charge of £150 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

Affordable housing

The application does not trigger any affordable housing contributions and the pooling of collections by Section 106 agreements is not considered appropriate in this instance.

Contaminated land

The Government advice confirms that where a site is affected by contamination land issues, responsibility for securing a safe development rests with the developer and / or landowner. If planning permission is granted, an informative shall be included in relation to this matter.

Contaminated Land have not provided comments however it is noted that the site is within the vicinity of former contaminative land uses. As such, if planning permission

is granted, it would be reasonable to attach standard contaminated land conditions.

Protected species

The County Ecologist has not required a bat survey based on the photographic evidence submitted, and as such the application can be determined.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The development hereby permitted shall be begun 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 constructed in accordance with the materials specified on the application form.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 3 No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas.**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 4 In this condition "retained tree" means an existing tree which is to be**

retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five (5) years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 5 The windows at first floor level in the north-western and south-eastern (side) elevations of the extension hereby permitted shall be non-opening below a height of 1.7m from finished floor level and shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 B, C, D and E

Reason: To safeguard the open character of Green Belt in accordance with Policy CS5 of the Dacorum Core Strategy 2013.

- 7 Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions 7 to 10 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition 10 has been complied with in relation to that contamination.

Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

- 8 **Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

9 Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

10 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 7 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 8, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved

remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 9.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

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

1461 200
1461 201 B
1461 202 B
1461 203 B

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

Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive discussion with the applicant during the determination stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

CONTAMINATED LAND INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

The Government advice confirms that where a site is affected by contaminated land issues, responsibility for securing a safe development rests with the developer and / or landowner.

Item 5.06

4/01763/16/FHA - RAISE ROOF PITCH, CONSTRUCTION OF REAR DORMER, SINGLE STOREY REAR EXTENSION AND CONSTRUCTION OF DETACHED SHED TO FRONT OF PROPERTY

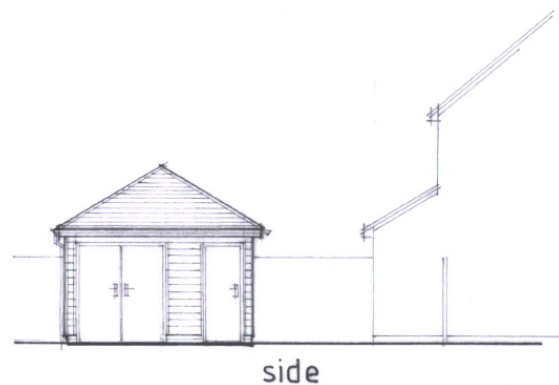
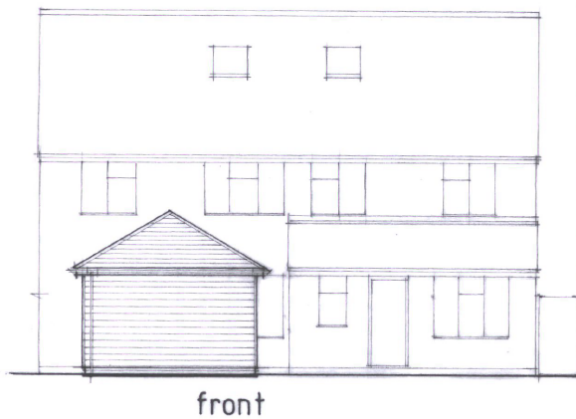
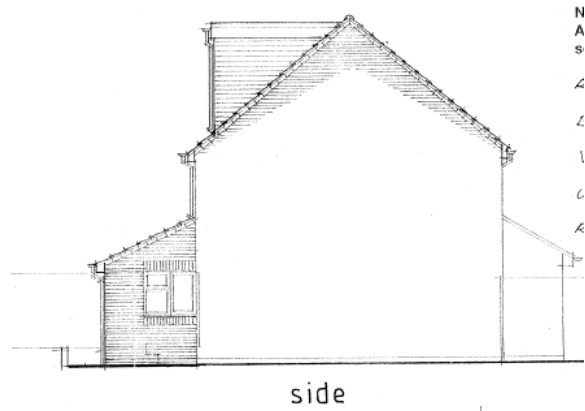
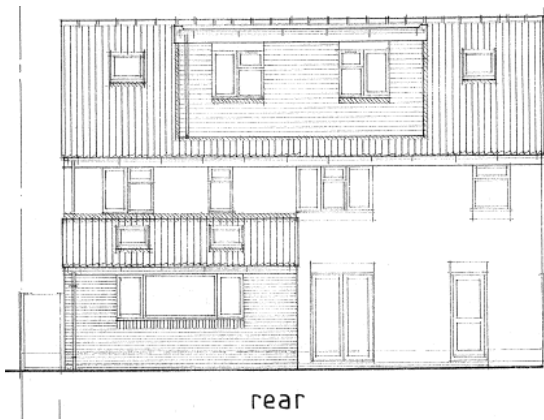
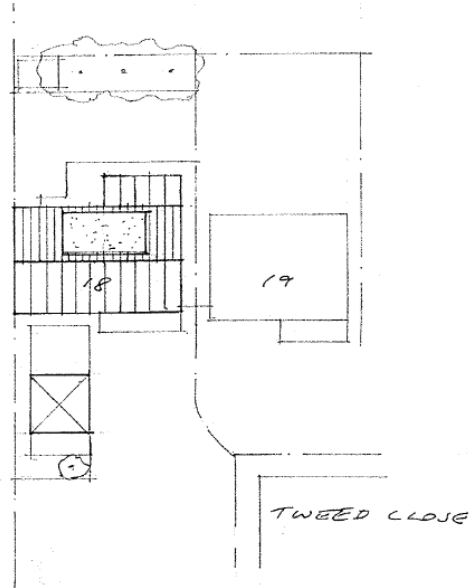
18 TWEED CLOSE, BERKHAMSTED, HP4 1SY



Item 5.06

4/01763/16/FHA - RAISE ROOF PITCH, CONSTRUCTION OF REAR DORMER, SINGLE STOREY REAR EXTENSION AND CONSTRUCTION OF DETACHED SHED TO FRONT OF PROPERTY

18 TWEED CLOSE, BERKHAMSTED, HP4 1SY



**4/01763/16/FHA - RAISE ROOF PITCH, CONSTRUCTION OF REAR DORMER, SINGLE STOREY REAR EXTENSION AND CONSTRUCTION OF DETACHED SHED TO FRONT OF PROPERTY.
18 TWEED CLOSE, BERKHAMSTED, HP4 1SY.
APPLICANT: MR MARK GREEN.**

[Case Officer - Intan Keen]

Summary

The application is recommended for approval.

The proposed extensions and outbuilding would be acceptable in principle under Policy CS4 of the Core Strategy. The development, including the detached outbuilding within the front garden, would not compromise the character and appearance of the street scene. The proposal would not have an adverse impact on the residential amenity of neighbouring properties. The car parking arrangements are sufficient.

The proposal is therefore in accordance with Policies CS11 and CS12 of the Core Strategy.

Site Description

The application site is currently occupied by a detached dwelling located at the head of the cul-de-sac of Tweed Close. The road ends in front of the adjacent dwelling at No. 19 such that the principal elevation of the application site directly faces a garage block instead of directly addressing the street. Front gardens are generally open and landscaped with paved areas for parking. The south-western side of Tweed Close comprises five similar designed detached dwellings, some of which have been extended. The roof ridges within the group are intact. However, on an adjoining perpendicular road, the dwelling at No. 4 Brook Lane has been subject to roof enlargements and ridge height increases within a similar context.

Proposal

It is proposed to raise the roof ridge approximately 0.5m and pitch to convert the loft for habitable use. This will also involve the addition of one rear dormer window.

A single-storey rear extension is also proposed, 2.14m deep with a lean-to roof that would sit beneath the sill of first floor windows above.

A single-storey outbuilding is proposed within the front garden. The agent has confirmed its intended use for the storage of bicycles and a kit car. It would have dimensions of 4m wide by 4m deep with a hipped roof reaching a maximum height of 3.8m.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

Planning History

Application 4/02914/07/FHA for two-storey side extension, garage conversion and additional parking was granted. The development has been carried out.

Also of relevance is application 4/01418/08/FHA for raising the roof to convert loft including rear dormer and two front roof lights was granted at No. 4 Brook Lane.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 58, 99
Appendices 5 and 7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Development in Residential Areas

Summary of Representations

Neighbours

None received at the time of writing this report.

Berkhamsted Town Council

Although the Committee would have had no objection to the work proposed to the house, it objects to the shed to the front of the property because of the adverse impact this would have on the street scene.

CS11.

Hertfordshire Archaeology

In this instance I consider that the proposal is unlikely to have an impact on heritage

assets of archaeological interest and I therefore have no comment to make on the application.

Considerations

Policy and Principle

Dwelling extensions and the construction of outbuildings ancillary to residential uses are acceptable in a town location such as Berkhamsted under Policy CS4 of the Core Strategy.

Impact on appearance of street scene

Concern has been raised with respect to the detached outbuilding within the front garden. The proposed outbuilding would be sited approximately 7.2m from the road frontage and behind the line of the footpath on the south-western side of Tweed Close, so that it would not be located at the head of the cul-de-sac. Its siting, together with the single-storey scale (3.8m high) and pyramid hipped roof would ensure it would not appear as a prominent element in the street scene.

The design of the outbuilding would be fairly simple and its timber construction (to walls) would give it a soft appearance. The felt shingled roof would not raise concerns noting the size of the outbuilding. Existing trees and vegetation to the south-east of the proposed outbuilding and vegetation to the side boundary to Tweed Close would further soften the appearance of the development.

Due to the proposed siting, scale and external materials of the proposed outbuilding, it is not considered to compromise the character and appearance of the group of dwellings within this section of Tweed Close.

With respect to the extensions, the raised roof and pitch would result in a change in the street scene, however is not considered to result in any significant harm. The example of the raised roof at No. 4 Brook Lane (referenced above) demonstrates that such a change would not have an adverse impact. The increase in ridge height of approximately 0.5m would maintain a gentle transition between building outlines in the street.

The proposed dormer window would be sited to the rear and due to the existing limited separation between the application dwelling and No. 19, there would be limited views of this from the street scene. The size, design and proportions of the dormer window are considered acceptable for this type of dwelling particularly within an urban and residential location. It would be sufficiently set down from the ridge and its margins set in generously from the flank walls of the parent dwelling.

The proposed half-width lean-to single-storey rear extension would not raise any concerns and it would be suitably integrated with the dwelling.

External materials to the dwelling extensions would be acceptable.

As a result, the proposed development would not have an adverse impact on the appearance of the street scene or the character of the group of dwellings in accordance with Policy CS12 of the Core Strategy.

Impact on neighbouring properties

The application site abuts other dwellings to the north, south and west. To the east is Sacred Heart Church. The dwellings nearest the development include No. 19 Tweed Close to the side (north-west) and flats at Nos. 15, 16 and 17 Tweed Close to the north.

The dwelling at No. 19 is located slightly forward of the application site, such that the existing dwelling projects slightly rearward of the neighbour's main rear windows. Rear garden levels are also slightly elevated on the application site relative to No. 19. The proposed roof extensions would be sited generally in line with No. 19, and the rear dormer window located at least 2.5m from the side of the dwelling nearest this neighbour. The roof additions therefore would not result in unreasonable levels of visual intrusion or loss of light. No upper-floor side-facing windows are proposed that would lead to overlooking.

Similarly, the single-storey rear extension would be sited 1m from the boundary with a maximum height of 3.8m, sloping down to an eave level of approximately 2.7m. The rear windows of No. 19 are not obstructed by any other buildings or structures and noting the generous garden width of the neighbouring plot, there would be sufficient visual relief from development.

With respect to the flats at Nos. 15-17 Tweed Close, the proposed outbuilding and extensions would be located sufficient distance from these neighbours so not to adversely impact upon their residential amenity with respect to visual intrusion or loss of light. There would be no concerns with respect to overlooking from the two front roof lights.

Dwellings within Sheldon Lodge would also not be adversely impacted by the development, in particular the dormer window. This would be located over 20m from this development and is not considered to contribute to any further adverse overlooking compared with existing conditions.

It follows that the proposal would not have an adverse impact on the residential amenity of neighbouring properties in accordance with Policy CS12 of the Core Strategy.

Impact on car parking

The existing parking arrangements would remain unchanged, noting there would be sufficient space on the driveway to accommodate two cars. Whilst this would not meet maximum standards for a single dwelling of this size, the level of parking provision would be sufficient noting the site's location within a town. The proposal is therefore in accordance with Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

Community Infrastructure Levy (CIL)

Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will extend only to the payment of CIL where applicable. The Council's

Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 July 2015. This application is not CIL liable due to resulting in less than 100m² of additional floor space.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The development hereby permitted shall be begun 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 constructed in accordance with the materials specified on the application form.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 3 All hard and soft landscape works shall be carried out in accordance with the approved details on Drawing No. 207. The works shall be carried out prior to the occupation of any part of the development.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

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

**Site Location Plan (no reference)
3076.16.2 Rev A
3076.16.3**

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

Article 35

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 proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) 2015.

Agenda Item 9

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted