

4/00266/19/MOA	DEMOLITION AND REMOVAL OF EXISTING BUILDINGS, CONSTRUCTION OF EIGHT DWELLINGS WITH DETACHED CARPORT, GARAGES, CAR PARKING AND ALTERED VEHICULAR ACCESSES (ACCESS, LAYOUT AND SCALE SOUGHT)
Site Address	FOURWAYS GARAGE, HUDNALL CORNER, LITTLE GADDESSEN, BERKHAMSTED, HP4 1QP
Applicant	Delves Broughton Ltd, c/o Agent
Case Officer	Shane O'Donnell
Referral to Committee	On the basis that a similar proposal on site had been previously refused by the planning applications committee under reference 4/02402/17/MOA and contrary to the views of the Parish Council

1. Recommendation

1.1 That planning permission be **DELEGATED WITH A VIEW TO APPROVAL** subject to the completion of a legal and subject to the conditions which are recommended at the end of this report.

2. Summary

2.1 The proposal for residential development is acceptable in principle as the site is considered to represent previously developed land in the Rural Area, noting there are no policy restrictions seeking the retention of the existing car sales and related businesses on the site and the policy support for additional housing. As an outline permission, there is a limited number of factors to be assessed by the current application and the proposal would meet policy requirements in these relevant factors. The proposed traffic generation, access and on-site parking arrangements would be satisfactory. The development would represent a visual improvement to the prominent gateway location of the site and the wider countryside which lies within the Chilterns Area of Outstanding Natural Beauty above existing conditions. The proposal would be have an acceptable impact on the amenities of neighbouring properties. Ecology and flood risk matters have been adequately addressed through the application submission. Therefore given the above and the current built form on site, the proposal is considered a planning gain.

3. Site Description

3.1 The site is located on a prominent corner location to the south of the intersection of Dagnall Road (A4146) and Hudnall Lane which is considered as one of the gateways into the Borough and is currently occupied by a car dealership with associated general industrial workshops (Class B2) within the Rural Area and the Chilterns Area of Outstanding Natural Beauty. This stretch of Dagnall Road is open in character, providing extensive attractive views of the surrounding countryside, and includes some areas of large tree

coverage (either side of Hudnall Lane). Buildings along Dagnall Road have typically limited presence.

4. Proposal

4.1 The application seeks outline planning permission (access, layout and scale sought) for the demolition of existing buildings and redevelopment to create 8 dwellings (Class C3) with access off Hudnall Lane. As such, appearance and landscaping are reserved matters.

4.2 The proposal seeks permission for the construction of 8 new dwellings consisting of four three-bedroom dwellings, three four-bedroom dwellings and one five-bedroom dwellings. The layout is proposed to reflect a typical farm courtyard arrangement with two-storey scale buildings grouped on each side.

4.3 The principal access point serving the development would be located off Hudnall Lane on the site's north-western boundary. The proposal has been revised to remove the secondary access from a track that joins Hudnall Lane.

4.4 22 car parking spaces would be provided on-site (including a five bay car port). The proposal was also revised to include two extra parking spaces. Storage for 8 cycle spaces would also be accommodated within the site.

4.5 Private amenity areas would be incorporated between the dwellings and the site boundaries, including an open landscaped strip up to Dagnall Road.

5. Relevant Planning History

5.1 Of most relevance is the previous proposal application 4/02402/17/MOA for 10 dwellings, access road and associated landscaping (outline) which was refused for the following reasons:

1. *By reason of the number of residential units, associated parking and amenity space, the proposal would represent overdevelopment resulting in an excessive dwelling density that would be inappropriate within its rural context to the detriment of the character and appearance of the area and the surrounding countryside. The development would therefore be contrary to Policies CS11 and CS12 of the Dacorum Core Strategy 2013.*

2. *The proposed layout would incorporate insufficient amenity space for the dwellings with garden sizes below average standards set out within saved Appendix 3 of the Dacorum Borough Local Plan 1991-2011 which would lead to unsatisfactory living conditions for occupiers of the development, contrary to Policies CS11 and CS12 of the Dacorum Core Strategy 2013.*

3. *By reason of the number and size of residential units and the proposed site layout, the development would provide insufficient off-street parking which would lead to on-road parking that would have an adverse*

impact on the free flow of traffic and safety of the adjacent highway network noting the site's location at a road intersection where the national speed limit applies. As such the development would be contrary to Policy CS12 of the Dacorum Core Strategy 2013.

5.2 The site has been subject to various applications for alternative uses and development proposals, including the following:

5.3 4/02911/15/FUL for change of use of existing vehicles premises to health studio, granted on 3 November 2015;

5.4 4/02577/07/FUL for change of use from sale of agricultural equipment to cafe, car sales and car valeting, granted on 10 March 2008;

5.5 4/00668/03/FUL for six dwellings, access road and associated landscaping, granted on the 06th of February 2004.

5.6 4/01452/96/RET for retention of use for sale, repair and maintenance of gardening, horticultural, groundcare products and equipment (with ancillary offices and stores) retrospective application was granted on 13 February 1997.

6. Policies

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

6.2 Adopted Core Strategy

NP1, CS1, CS4, CS7, CS8, CS10, CS11, CS12, CS15, CS17, CS18.
CS19, CS24, C29, CS31, CS32, CS35.

6.3 Saved Policies of the Dacorum Borough Local Plan (DBLP)

10, 13, 18, 21, 34, 58, 97, 99, 100, 101, 111, 129

Saved Appendices:

Appendix 3 - Layout and Design of Residential Areas
Appendix 5 - Parking Provision

6.4 Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Chilterns Buildings Design Guide (Feb 2013)
Affordable Housing (Jan 2013)

7. Constraints

- Rural Area
- Chilterns Area of Outstanding Natural Beauty
- Former Land Use
- CIL Zone 1

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix 1

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix 2

9. Considerations

Main issues

1 The main issues to consider are:

- Policy and Principle of the Development;
- Quantum of development, density
- Residential Amenity
- Layout and Impact on appearance of street scene, countryside, and AONB
- Traffic, access and parking
- Impact upon Neighbouring Properties;
- Flood risk and drainage
- Ecology
- Affordable Housing
- Community Infrastructure Levy (CIL)

Policy and Principle

9.2 The site is located within the Rural Area where the provisions of Policy CS7 of the Core Strategy apply. This policy permits small-scale development including the redevelopment of previously developed sites, Furthermore, paragraph 117 of the NPPF states that planning policies and decisions should encourage the effective use of land by reusing land that has been previously developed.

9.3 The proposal would result in the loss of an established employment site in the Rural Area which appears to have had a regularised lawful use from 1997 based on the above planning history. While saved Policy 34 of the Local Plan seeks retention of such businesses (or satisfactory replacement) the employment density may in reality be low and there may be environmental advantages in an alternative non-commercial use(s) (such as removal of noise and smells, reduction in traffic generation and visual

benefits associated with a land use of lesser intensity and activity).

9.4 The principle of redevelopment for residential purposes has also been established by a previous application (reference 4/00668/03/FUL) for the redevelopment of the site for six dwellings was granted in 2003 (four detached market dwellings and two semi-detached affordable housing units) served by the existing access off Hudnall Lane.

9.5 With respect to residential land use, while the application site is not located within an established village or local centre, it is not isolated and would support rural communities and the local economy. There is policy support for the provision of housing contained within though the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

9.6. As such, the development of the site for residential dwellings would be acceptable in principle and would not conflict with the aims of Policies CS1, CS7, CS15, CS17 or CS18 of the Core Strategy or saved Policy 34 of the Local Plan.

Quantum of Development and Density

9.7. The previous proposal was part refused for the following reason:

By reason of the number of residential units, associated parking and amenity space, the proposal would represent overdevelopment resulting in an excessive dwelling density that would be inappropriate within its rural context to the detriment of the character and appearance of the area and the surrounding countryside. The development would therefore be contrary to Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

Compared to the previous proposal, which had a density of 27 dwellings per hectare, the proposed number of residential units has been reduced from 10 to 8 and this quantum of development should still be compared against the buildings of the existing car sales and garage on the site

9.8 The design of the previous the site layout has also been largely retained and would take the formation of a courtyard with the dwellings fronting onto it with the visual benefits of replacing the car-dominated frontage (parking of up to 50 cars within the forecourt) together with flag signage and external lighting, with a high quality residential development have been outlined above. In floor area terms the proposal is commensurate with the existing level of development on the site, proposing 949 m² gross internal area (excluding single storey non-habitable car port and refuse and cycle storage) compared with the existing 1,028m² of general industrial (Class B2) floor space. While the street frontages to Dagnall Road and Hudnall Lane, including the corner of the two with Pedley Hill, would be appropriately addressed through the orientation of buildings and would enhance this particular prominent gateway location into the Borough with enhanced landscaping along the Dagnall Road.

9.9 It follows that the quantum and density of residential development on the site would be appropriate.

Residential Amenity For Future Occupiers.

9.10. The previous proposal (4/02402/17/MOA) was part refused for the following reason:

The proposed layout would incorporate insufficient amenity space for the dwellings with garden sizes below average standards set out within saved Appendix 3 of the Dacorum Borough Local Plan 1991-2011 which would lead to unsatisfactory living conditions for occupiers of the development, contrary to Policies CS11 and CS12 of the Dacorum Core Strategy 2013

9.11. The proposed gardens of units in plots E, F, G, H would be not meet the rear depth Guidance for residential gardens laid down in Appendix 3 of the Dacorum Borough Local Plan 1991 – 2011. It should be noted that although the guidance indicates the private garden should normally be positioned to the rear this is not an absolute requirement and the purpose of this guidance is to ensure a reasonable level of functional space is provided for new dwellings.

Compared to the previous proposal all the houses on the southern side of the site now have gardens at least 11.5 metres wide and would therefore provide ample and functional outdoor amenity spaces for future occupiers.

Layout and Impact on appearance of street scene, countryside, and AONB

9.12 The site lies at a crossroads between Dagnall Road and Hudnall Lane and is particularly prominent from several directions and sited within a wide open landscape. However, it is considered that the set back of the dwellings along Dagnall Road would respect the openness of the surrounding countryside and would enable a wider open landscaped strip, therefore achieving a satisfactory balance between built form at the gateway site and soft landscaping to respond to the Chilterns Area of Outstanding Natural Beauty.

9.13 Redevelopment of the site for residential which would be a less intrusive use on the countryside by reducing the amount of pollutants through noise and other emissions and servicing and delivery requirements and Visual benefits to the Chilterns Area of Outstanding Natural Beauty through removal of the car-dominated frontage together with signage and external lighting on the road frontage associated with the existing car sales use and increase in soft landscaping across the site.

9.14 The submitted floor plans would indicate that the proposed buildings would adopt a barn-like appearance with straight building lines and limited projections which would be acceptable in the site's rural context.

9.15 It is considered the two-storey scale of development across the majority of the site's principal road frontage would be acceptable and

commensurate with existing surrounding development. It is acknowledged that the ridge heights would not exceed those previously approved for the six units (under 4/00668/03/FUL).

9.16 Samples and details of materials shall be conditioned if planning permission is granted.

9.17. In order to preserve the layout as intended and to preserve the openness of the rural character it is intended to removed permitted development rights by way of condition for extensions and alterations, roof additions, roof lights, porches, outbuildings and hard surfaces respectively as well as fencing to ensure sufficient functional garden spaces and parking areas to the properties are retained and in the interests of residential amenity within the development to accord with the aims of Policies CS11 and CS12 of the Core Strategy.

9.18 It is also intended to make part of the attached Section 106 agreement a clause requiring grassland between front units and Dagnall Road frontage to remain largely open, with minimal fencing and no play equipment responding to the open fields to the eastern side of the road.

Traffic, access and parking

9.19 The previous proposal (4/02402/17/MOA) was part refused for the following reason:

By reason of the number and size of residential units and the proposed site layout, the development would provide insufficient off-street parking which would lead to on-road parking that would have an adverse impact on the free flow of traffic and safety of the adjacent highway network noting the site's location at a road intersection where the national speed limit applies. As such the development would be contrary to Policy CS12 of the Dacorum Core Strategy 2013.

9.20 Compared to the previous proposal, the application has been revised to close off the access from the track off Hudnall Lane hence the proposed development retains the single main access off Hudnall Lane while the proposal still includes the closing off of two of the existing vehicular accesses fronting Dagnall Road which is welcomed by the highway authority.

9.21 Hertfordshire Highways has considered the proposed traffic generation and access arrangements as set out in the submitted Transport Statement and found these to be satisfactory.

9.22 Residential car parking provision is set out under saved Appendix 5 of the Local Plan which provides maximum standards based on the number of bedrooms. The proposal would require the following:

Three-bedroom dwellings - 2.25 spaces each (four units - 9 spaces)

Four-bedroom dwellings - 3 spaces each (three units - 9 spaces)

Five-bedroom dwellings - 3 spaces each (one units – 3 spaces)

9.23 The proposal would provide for 21 off-street parking spaces, located within the courtyard and the car port. Closing off the secondary access to the track would allow for two additional visitor parking spaces above. Therefore, the proposal would meet the Council's technical parking standards and with additional space provided for visitor parking would be better able to contain any additional parking pressures within the site. It is also proposed to provide one cycle space to be provided per unit. The Parish Council has raised the possibility of parking restrictions to be placed at the corner of Hudnall Lane and Dagnell Road that could mitigate the harm of any parking overflow from the proposed development. However, The proposed development would now go beyond Council's technical parking standards in terms of parking spaces including two visitor parking spaces hence it is considered that there is no justification originating from this proposed development for placing parking restrictions in the area.

9.24 For information it is noted that bus services are located within walking distance to the north of the site.

9.25 It follows that the proposal would accord with the aims of Policies CS8 and CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

Impact on neighbouring properties

9.26 There are three residential properties adjoining the application site. These include White Rails Cottage to the south-east, Oak Tree Cottage immediately north-west and Haybourne opposite the drive to the west. Each shall be discussed in turn.

White Rails Cottage

9.27 White Rails Cottage is occupied by a large two-storey detached dwelling on a large plot which has a large detached front garage that abuts the boundary with the application site. White Rails main dwelling is set away from the shared boundary by 13 metres.

9.28 The rear elevation of the proposed dwelling labelled E on the drawings would face towards side elevation of White Rails Cottage while the rear elevations of units labelled H, G, and F would be face across the main garden of White Rails Cottage at a distance of approximately 6.5 metres from the shared boundary. However, the relative sitings between White Rails and the new residential units would be at a right angles hence the rear of elevations of the new dwellings would face across the main garden of White Rails. Furthermore, as this is an outline proposal the matter of 'appearance' is not being assessed and while it seems likely that the proposed first floor rear windows would serve primary accommodation in the final design it is also possible that the final appearance of the buildings would not result in overlooking given the correct design details. Hence the impact on neighbouring amenity cannot be fully assessed at this juncture, however, it is important for the applicant to note that under reserved matters the council would resist a final design that resulted in a poor relationship in terms of

overlooking of White Rails main amenity space. Hence given an appropriate final design under reserved matters combined with the perpendicular angle of the relative sitings, the distance of separation, and the size of White Rails Cottage, it is considered that the proposed development, from the information available, would not significantly harm the amenities of the occupiers of White Rails Cottage.

Oak Tree Cottage

9.29 The proposed development would feature a single-storey car port with a pitched roof that would abut the shared boundary with Oak Tree Cottage and would not comprise habitable accommodation. Given this relationship and the single storey nature of the proposed car port, the development would not give rise to concerns relating to visual intrusion or loss of light and is considered to represent an improvement above existing conditions.

9.30 The nearest first floor windows within the development would be located 23m from this neighbour from Unit A however this would not be a direct relationship. Windows within Unit B that would partially face the dwelling at Oak Tree Cottage at a distance of 24m which would be acceptable.

Haybourne

9.31 This property is located to the west of the application site opposite the drive and its principal elevations face north and south (primarily the latter). The proposed development due to building siting and orientation would not give rise to issues of visual intrusion, loss of light or overlooking between main habitable room windows.

9.32 It follows the development would accord with the aims of Policy CS12 of the Core Strategy in this regard subject to the control of detailed design at the reserved matters stage.

Flood risk and drainage

9.33 As per the previous proposal (4/02402/17/MOA), the flooding authority has stated in their comments that a Flood Risk Assessment is not required however would wish to see a drainage assessment. As the application has been submitted at outline stage and the site has previously been subject to an approval for six residential units, it would be considered reasonable and necessary to condition the submission of a drainage assessment and strategy for approval in accordance with the aims of Policies CS31 and CS32 of the Core Strategy.

Ecology

9.34 As per the previous proposal (4/02402/17/MOA), Hertfordshire Environmental Records Centre is satisfied with the submitted assessment and proposal with respect to protected species and mitigation measures outlined in the Bat Dusk Surveys report. The proposal would therefore accord with Policy CS29 of the Core Strategy in this regard.

Affordable housing

9.35 The application has been submitted in outline form and therefore seeks largely to establish the principle of development for ten units on the site. Of relevance is the Affordable Housing Supplementary Planning Document Clarification Note (Version 2: July 2016) which reflects the planning position on affordable housing and the implementation of Policy CS19 and triggers for contribution.

9.36 The relevant section of the Clarification Note reads as follows: The PPG specifies that contributions from developments of 6-10 units within designated rural areas [as described under section 157(1) of the Housing Act 1985] should be in the form of commuted sums, payable on completion of the development. The Clarification Note further advises that the 'rural area' covers all land within the Chilterns Area of Outstanding Natural Beauty where the application site lies.

9.37 The development would therefore require a commuted sum payment, calculated in accordance with the Council's Affordable Housing SPD (2013). Section 7.7 of the SPD states that in cases where the applicant considers that the site cannot viably support the Council's affordable housing policy requirements the Council will require the applicant to submit a financial appraisal and supporting evidence at pre-application stage. This will enable the Council to assess at the earliest opportunity, the optimum affordable housing mix which is economically viable on the site. Whilst affordable housing would be sought for a development of this scale, considering the advice within the Clarification Note, any viability assessment would identify whether a contribution for off-site affordable housing provision could be made.

9.38 As noted above, the existing businesses and operations on the site and likely anticipated remediation works and the construction details and costs associated with those elements has not been finalised under this outline scheme. On this basis it is considered acceptable that a Section 106 agreement is completed to require a viability assessment to be submitted. This shall be reviewed by consultants appointed by the Council to identify any surplus that could go towards off-site provision for the development. This approach has been agreed with the Council's Strategic Housing department and would accord with the aims of Policy CS19 of the Core Strategy and above-referenced guidance.

Community Infrastructure Levy (CIL)

9.39 The development will be CIL liable at a rate of £250 per square metre with applicable exemptions.

10. Conclusions

10.1 Based on the assessment above it is considered that the development would be acceptable, satisfying the objections of Policies CS1, CS7, CS8,

CS10, CS11, CS12, CS15, CS17, CS18, CS19, CS24, CS29, CS31, CS32 and CS35 of the Dacorum Core Strategy 2013 and saved Policies 10, 18, 21, 34, 51, 54, 58, 97, 99, 111 and 129 of the Dacorum Borough Local Plan 1991-2011.

11. RECOMMENDATION

11.1 It is recommended that the application is delegated to the Group Manager of Development Management and Planning with a view to APPROVAL subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990

11.2 That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

Requirement for a financial viability appraisal exercise to be undertaken at reserved matters stage to demonstrate whether or not the scheme would be viable if a contribution could be made for off-site affordable housing, and if so, the level of contribution that would be viable and would be reviewed by consultants appointed by the Council with costs met by the owner or developer; and

Requirement for land between Units A to E inclusive fronting Dagnall Road A4145 to be maintained as open grassland and restriction on no children's play equipment or other structures to be allowed at any time on that strip of land.

Requirement to enter into a S.278 agreement with Hertfordshire County Council relating to the closure of existing vehicular accesses into the site from the A4146 adjoining the site and for the provision of double yellow lines on the corner of the A4146 and Hudnall Lane adjoining the site prior to Commencement of Development

Suggested conditions:-

Conditions

No	Condition
1	<p>Approval of the details of the siting, design and external appearance of the building[s], the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.</p> <p>Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.</p>
2	<p>Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the provisions of Section 92 (2) of the Town and</p>

	Country Planning Act 1990.
3	<p>The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.</p> <p>Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.</p>
4	<p>No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.</p> <p>Reason: To ensure a satisfactory appearance to the development.</p> <p>Reason: To safeguard the character and appearance of the Listed Building.</p> <p>Reason: In the interests of the visual amenities of the Conservation Area.</p>
5	<p>The development hereby permitted shall not commence until details of the layout and construction of the altered accesses have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the access has been laid out and constructed in accordance with the approved details.</p> <p>Reason: To minimise danger, obstruction and inconvenience to users of the highway and the access in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013 and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.</p>
6	<p>Construction of the development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by local planning authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:</p> <ol style="list-style-type: none"> a. Construction vehicle numbers, type, routing; b. Traffic management requirements; c. Construction and storage compounds (including areas designated for car parking); d. Siting and details of wheel washing facilities; e. Cleaning of site entrances, site tracks and the adjacent public highway; f. Provision of sufficient on-site parking prior to commencement of construction activities; g. Post construction restoration/reinstatement of the working areas and temporary access to the public highway. <p>Reason: In order to protect highway safety and the amenity of other users of</p>

	<p>the public highway and rights of way in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.</p>
7	<p>Prior to the commencement of the development hereby permitted details of a surface and foul water drainage system shall be submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water runoff so that it does not discharge into the highway or foul water system. The development shall be carried out and thereafter retained fully in accordance with the approved details.</p> <p>Reason: To ensure that the site is subject to an acceptable drainage system serving the development.</p>
8	<p>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:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.</p>
9	<p>All remediation or protection measures identified in the Remediation Statement referred to in Condition (XXX) 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.</p>

	<p>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.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.</p> <p>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.'</p> <p>Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk</p>
10	<p>The windows at first floor level in the southern elevations of the dwellings Unit F, Unit G, and Unit H identified on Drawing No. 10.338 PL.0107 Rev N (proposed layout and roof plan) hereby permitted shall be non-opening below a height of 1.7m from finished floor level and shall be permanently fitted with obscured glass.</p> <p>Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Dacorum Core Strategy 2013.</p>
11	<p>The development hereby permitted shall not commence until a Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. This shall include information on the types of waste removed from the site and the location of its disposal. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To reduce the amount of waste produced on the site in accordance with Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan.</p>
12	<p>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:</p> <p>Schedule 2 Part 1 Classes A, B, C, D, E and F Part 2 Class A</p> <p>Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity</p>

	<p>of the locality in accordance with Policies CS7 and CS12 of the Dacorum Core Strategy 2013.</p>
<p>13</p>	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>S14-238-100 PL.0101C PL.0112 PL.0105 Rev K PL.0106 Rev J PL.0107 Rev N PL.0110</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>INFORMATIVES</p> <p>Article 35 Planning permission has been granted for this proposal. The Council acted proactively through application stage with the applicant to resolve issues with the scheme. The Council has therefore acted in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p>Highways Informatives</p> <p>1. Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.</p> <p>2. Storage of materials, site parking and deliveries: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. On-site parking for all contractors, sub-contractors, visitors and delivery shall also be off the highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website http://www.hertsdirect.org/services/transtreets/highways/ or by telephoning 0300 1234047.</p> <p>3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction</p>

<p>of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website http://www.hertsdirect.org/services/transtreets/highways/ or by telephoning 0300 1234047.</p> <p>Contamination 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.'</p> <p>Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk</p>
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Appendix 1

Consultation responses

Little Gaddesden Parish Council

Little Gaddesden Parish Council OBJECTS to planning application 4/00266/19/MOA for the provision of 8 houses at Fourways on the grounds of vehicular access and highway safety. The highways and traffic evaluation of the development has not taken in to account material issues of farm vehicle access, particularly as the traffic survey relied upon took place in November, a month when traffic is unlikely to be at its busiest in a rural community. The Parish Council believes that the development is too concentrated for the site, given the on-site parking facilities available, and the likelihood of off-site parking by dwelling owners on Hudnall Lane, in close proximity to a farmer's access to the public highway and to the junction with the B440, Hemel Hempstead to Leighton Buzzard Road.

It should be noted that the only bus service serving the development site is Red Eagle No 30 which has 2 services per weekday, the 1138 to Berkhamsted and the 1450 to Great Gaddesden. Neither service is likely to be used by commuters, so the majority of dwellings will rely on cars to get to and from work. There are no bus services on Saturday and Sunday.

However, the Parish Council is minded to approve the application if the relevant planning concern is address by the Developer.

The problem

The issue was highlighted by the local farmer Josh Matterson of Beals Farm. Beals Farm owns the track running into Hudnall Lane just west of the

development site and is one of the access points into the development. This track is used extensively in the summer for access onto and off Hudnall Lane by large harvesting equipment to enable the farmer to access his fields (off the B440) and then to return to his farm. When exiting the farm track, the equipment only turns right, past the development site and towards the main B440.

There has sometimes been some conflict between the harvesting equipment exiting the track and cars parked on Hudnall Lane between the track and the B440 junction, but these have in the past been relatively simple to resolve immediately because everyone knows each other (the current local residents and the car sales business) and worked together. This is unlikely to continue to be the case if cars owned by the development site dwelling owners and or their visitors are parked on this stretch of Hudnall Lane. Any such parking close to the farm track exit is likely to adversely affect the farmer's harvesting activities.

The Farmer has informed Dacorum Planning directly of the issue on 11th December 2017 (4/02402/17/MOA) and on the 16th April 2018 (4/02402/17/MOA). Also, on the 4th March 2019 (4/00266/19/OUT).

A potential solution

The Parish Council would potentially like to have some parking restriction at the bottom of Hudnall Lane - possibly double yellow line on both sides of the road from the B440 to the track exit, to be provided at the expense of the Developer.

The Parish Council would also like consideration to be given to the provision of two parking spaces by the Developer to the residents of Oak Tree Cottage. Oak Tree Cottage will lose their street parking provision once double yellow lines are down. The Parish Council would be happy to participate in discussions with all parties to seek practical solutions to these issues.

Both of these matters, parking restrictions and additional parking could be made conditions of any planning permission which might be granted, to be fulfilled before any of the new dwellings are occupied.

We are prepared to consider withdrawing our objection if a satisfactory solution to the problem is devised.

Pollution and Environmental Protection Team

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/00266/19/OUT for the demolition and removal of existing buildings, construction of eight dwellings with detached carport, garages, car parking and altered vehicular access,

layout and scale.

Please be advised that we have no objection to the proposed development in relation to Land Contamination.

However, with the development located on a radon affected area where 1-3% of homes are above the action level as well as been partly on a former contaminated land use i.e. old pit, the following planning condition and informative are recommend should planning permission be granted.

1a). Contaminated Land Condition

No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been 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, in accordance with Core Strategy (2013) Policy CS32.

1b). All remediation or protection measures identified in the Remediation Statement referred to in Condition 1a above 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, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2012).

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

Hertfordshire Highway Authority

(Comments on current scheme)

No Objection to the closing up of the secondary entrance of the site

(Comments on previous scheme 4/02402/17/MOA)

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:

Hertfordshire County Council has no objection to this outline application for 10 new dwellings and office at Fourways Car sales, Hudnall Corner, Berkhamsted with vehicular access and parking, subject to a S278 Agreement and the following conditions/informatives.

S278 Agreement Any works within the highway boundary and any remedial works required to the existing accesses will need to be secured and approved via a S278 Agreement with the HCC.

01: The development shall not begin until details of the layout and construction of the altered accesses have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the access has been laid out and constructed in accordance with the approved details. Reason: To minimise danger, obstruction and inconvenience to users of the highway and the access.

02: The development shall not begin until details of the disposal of surface water from the Private access have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details. Reason: To minimise danger, obstruction and inconvenience to highway users.

03: No works shall commence on site until a scheme for the additional refuse collection has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate refuse collection that meets the needs of occupiers.

4: Construction of the development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Traffic management requirements;
- c. Construction and storage compounds (including areas designated for car parking);
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Provision of sufficient on-site parking prior to commencement of construction activities;
- g. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

The Highway Authority recommends inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

AN2) Storage of materials, site parking and deliveries: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. On-site parking for all contractors, sub-contractors, visitors and delivery shall also be off the highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act

1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Description of the Proposal

Demolition of former garage/workshop buildings and replace it with 10 new C3 residential homes and an office building with access off Hudnall Lane with off street parking at Fourways car sales, Hudnall Lane, Berkhamsted. This is an outline planning application.

Hudnall Lane

This is a classified road, Local access L2 C151/20 and is maintained by HCC as the highway authority. The speed limit is recorded as 50 mph. This information can be obtained from the Gazetteer (<http://www.hertsdirect.org/actweb/gazetteer/>) or Webmaps.

The rolling 5year RTC data held by HCC states that there has been one slight RTC in February 2013 but this has been plotted a little bit away from this site to have a concern on this site or the proposed planning application.

Leighton Buzzard Road/ Dagnall Road (formally the A4146)

This is a classified road but has recently be changed from a main distributor to a classified secondary distributor road with a 60 mph speed limit on it now B440. The rolling 5year RTC data held by HCC states that there has been 1 slight RTC, 2 serious and 1 fatal (this was in April 2012). All would appear to be with turning in and out of the minor roads at the crossroads with Leighton Buzzard Road and not directly associated with the garage in terms of their staff or customers. The applicants Transport Statement has looked into these RTC's and App'x D has all of this data recorded.

Analysis

As part of a Design and Access statement, the application should take account of the following policy documents;

National Planning Policy Framework (March 2012);

Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031

Roads in Hertfordshire Design Guide 3rd Edition

The LPA's parking policy.

Trip generation and distribution

As stated above the applicant has submitted a Transport Statement (TS). The Highway Authority (HA) has considered the data supplied and analysed the TRIC'S findings (Appx e) which is used to establish what the current permitted use as a garage car sales generates in terms of two way peak hour movement against what the proposed residential use would generate. The highway authority (HA) agrees that that this level of proposed development is unlikely to generate significantly high levels of movements and in fact which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity. This conclusion is based on traffic volume data, speed of traffic (speed limit) and known RTC information.

Impact on Highway Network

The proposed development will only impact on the highway if the development fails to provide sufficient off street parking space. This includes visitor parking too. Two way trips for this type of residential use are unlikely to add to the sites overall two way trip generations. However, there may be a slight increase in peak hour movements when compared to the sites former uses but overall the net impact would see a reduced number onto the highway network

Highway Layout

The only changes to the highway will be the closing off of the accesses onto the B440 leaving just the one access off Hudnall lane to service the site. This detail is shown on the submitted plan. However, there the applicant will need to confirm that minimum 2.4m by 43m vision splays can be achieved and maintained from this single point of vehicular access and this can be secured by condition. The submitted drawing also shows the off street car parking spaces and a parking/turning area for service/delivery vehicles can be provided within the site. Any works to the VXO that are off site ie on the

public highway will need to meet the requirements of Roads in Hertfordshire (RiH) and/or the Design Manual for Roads and Bridges (<http://www.dft.gov.uk/ha/standards/dmrb/>).

The National Planning Policy Framework (NPPF), states that "developments should be located and designed where practical to:

Accommodate the efficient delivery of goods and supplies

Give priority to pedestrian and cycle movements, and have access to high-quality public transport facilities;

Create safe and secure layouts which minimise conflicts between traffic & cyclists or pedestrians, avoiding street clutter and where appropriate

Establishing home zones

Incorporate facilities for charging plug-in and other ultra-low emission vehicles; and

Consider the needs of people with disabilities by all modes of transport."

Parking

Although parking is a matter for the Local Planning Authority (LPA), the applicant should provide details of parking provision and whether or not there will be any impact on the highway. In this case the applicant is providing 26 off street parking spaces per dwelling with 14 cycle spaces being provided. It is unclear whether any DDA compliant parking space will be offered or EV charging points. Roads in Hertfordshire highway design guide 3rd edition states that the dimension and location requirements for parking bays, driveways and turning areas shall be in accordance with the guidance in DfT Manual for Streets.

Accessibility

Forward Planning Officers (Passenger Transport Unit) have not supplied any details of bus services and bus infrastructure to identify gaps in the service. Refer to HCC's Bus strategy (<http://www.hertsdirect.org/docs/pdf/b/busstrategy.pdf>).

Public Rights of Way (PRoW) there appears to be no Public Rights of Way affected by this proposal. If this is incorrect then feedback from Right of Way Officer should be requested. Note that the granting of planning permission does not entitle the developer to obstruct the Public Right of Way and permission would need to be granted to temporarily close the

route if required. The applicant must ensure all necessary legal procedures for any diversions are implemented. Enforcement action may be taken against any person who obstructs or damages a Public Right of Way.

Servicing Arrangements

Refuse and recycling receptacle storage will need to be provided and track runs for a large vehicle entering and leaving the site in a forwards gear (vehicle type, weight etc unknown and further details should be requested by contacting the refuse collection officer based at Cupid Green Depot for clarification)

Travel Plans

The applicant has not submitted a travel plan as part of this application. The scale of the development falls below the threshold that requires either a Travel Plan or a Travel Plan Statement

Conclusion

The assessment does not indicate any significant issues with the proposal. The closing off of the vehicular accesses onto the Leighton Buzzard/ Dagnall Road is welcomed by the highway authority. The level of two trips overall would also be lower as demonstrated by the accompanying TS. The highway authority would not wish to restrict the grant of planning permission subject to the above conditions and informatives.

Fire Service

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 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 developments 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 firefighting 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 number and location of 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.

Section 106 planning obligation clauses can be provided on request.

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

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

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 developments 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 firefighting 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 firefighting 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 firefighting 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.

**Environment Agency (Comments on previous scheme
4/02402/17/MOA)**

Thank you for consulting us on the above applications. We have no objections to the application.

Advice to applicant

Foul Drainage – Environmental Permit

Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic

metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within a Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply, spring or borehole.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit

Further advice is available at:

Septic tanks and treatment plants: permits and general binding rules

Hertfordshire Lead Local Flood Authority (Comments on previous scheme 4/02402/17/MOA)

No detailed information has been submitted in relation to surface water management. Without this information, the flood risks resulting from the proposed development are unknown. In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site is not increasing flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, the following information is required as a minimum as part of the surface water drainage assessment;

An drainage strategy which includes providing appropriate SuDS in line with the non-statutory national standards, industry best practice and HCC Guidance for SuDS.

Drainage plan including location of all the drainage features and feasible discharge mechanism for surface water off the site.

Calculations of existing/proposed surface water storage volumes and flows with Initial post development calculations and/or modelling in relation to surface water are to be carried out for all rainfall events up to and including the 1 in 100 year including a 40% allowance for climate change.

Overcoming our objection

We acknowledge that the current planning application is for Outline permission with all other matters reserved. However it is important that certain details are confirmed to ensure that the most appropriate drainage scheme can be implemented to ensure there will be no flood risk to the site and the surrounding area and to demonstrate that an appropriate scheme using the key principles of SuDS are feasible.

It is acknowledged within the FRA that the site is located in Flood Zone 1 and is less than a hectare; therefore a Flood Risk Assessment is not required. However a drainage assessment is required under the NPPF for all Major Planning Applications as amended within the NPPG from the 6 April 2015. A surface water drainage assessment is vital if the local planning authority is to make informed planning decisions. In the absence of a surface water drainage assessment, the flood risks resulting from the proposed development are unknown. We are also concerned that the Environment Agency's maps showing the risk of flooding from surface water indicate that there is a predicted risk of flooding from surface water both on the site and in the vicinity of the site for the 1 in 30 year return period and the 1 in 100 year return period.

The drainage strategy should include details of how the on-site surface water will be managed by provide appropriate sustainable drainage techniques and the location of discharge off the site (utilising the SuDS hierarchy), along with supporting calculations. Previously developed sites should aim to discharge at the pre-development greenfield rate for the whole site area where possible. If not, a significant reduction in the current rate of discharge should be achieved and evidence provided as to why greenfield rates are not viable.

For further advice on what we expect to be contained within the FRA to support an outline planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage

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

Informative to the LPA

The applicant can overcome our objection by submitting a surface water assessment which covers the deficiencies highlighted above and demonstrates that the development does not increase risk elsewhere and where possible reduces flood risk overall, and gives priority to the use of sustainable drainage methods. If this cannot be achieved we are likely to maintain our objection to the application.

We ask to be re-consulted with the results of the surface water drainage assessment. We will provide you with bespoke comments within 21 days of receiving formal reconsultation. Our objection will be maintained until an adequate surface water drainage assessment has been submitted.

Hertfordshire Gardens Trust (Comments on previous scheme 4/02402/17/MOA)

Thank you for consulting the Hertfordshire Gardens Trust. We have considered it in relation to Ashridge, Grade II* on the HE Register.

On the basis of the information included in the planning application we do not wish to comment, but we would emphasize that this does not in any way signify either our approval or our disapproval of these proposals.

Strategic Housing (Comments on previous scheme 4/02402/17/MOA)

Reference made to comments provided on similar rural site application and suggested following approach is taken:

The site has been considered against the Affordable Housing SPD and falls within a defined rural area. On this basis, a commuted sum would be sought (see Figure 2a). Below is the methodology for calculating the financial contribution, which we send to any applicant who is looking at providing an off-site provision for a scheme:

1. The land value is divided by the total number of dwellings proposed; this will provide the land value per unit.

2. The affordable housing contribution applicable on this site is calculated by applying the affordable housing percentage to the total number of units proposed (I assume we will use the standard 35% for this).

3. The financial contribution is arrived at by multiplying the land value per unit by the number of affordable units that would have been required.

$(\text{Land value} / \text{No. of units}) \times (\text{No. of units} \times \text{AH percentage}) = \text{financial contribution required.}$

As any commuted sum would be paid either at or after completion, I believe we would need to request an independent red book site valuation if planning is achieved, in order to confirm an accurate land value.

Strategic Housing further comments

Applicant suggested approach would be acceptable with respect to preparing draft Section 106 agreement by Unilateral Undertaking with respect to possible affordable housing contribution related to the scheme. Under the outline application where full details are not considered the applicant is unable to agree exactly what level if any such a contribution would be, until a detailed financial viability appraisal has been undertaken and costs known. The Unilateral Undertaking would offer to agree that the applicant, future owner or developer would have to undertake such a financial viability appraisal based on an agreed form of residual valuation, cost plan and the average of three valuations of the proposed mix of units, before any reserved matters applications are approved by the Council. The Unilateral Undertaking would also agree to the local planning authority taking independent advice on the outcome of the appraisal from its own advisors in that field and to sharing all the information that has been the basis of the appraisal with the local planning authority.

Hertfordshire Minerals and Waste (Comments on previous scheme 4/02402/17/MOA)

I am writing in response to the above planning application insofar as it raises issues in connection with waste matters. Should the district council be mindful of permitting this application, a number of detailed matters should be given careful consideration.

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Department for Communities and Local Government published its National Planning Policy for Waste (October 2014) which sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;

new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;

the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the borough council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or

http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html

The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the borough council.

Hertfordshire Environmental Records Centre (Comments on previous scheme 4/02402/17/MOA)

Thank you for consulting Hertfordshire Ecology on this application, which is accompanied by a Bat Dusk Surveys report. This report makes reference to a Protected Species Assessment Report that could not be found on the planning website. Given the current use of the site and the limited extent of semi-natural habitat present, the presence of protected or otherwise significant species other than bats is considered unlikely and so it can be assumed that no other ecological constraints have been identified, but sight of the report to verify this would be preferred.

The Bat Dusk Surveys report reveals the presence of single roosting Soprano and Common Pipistrelle bats in the main garage building. The survey methodology and effort is considered appropriate to the purpose of the survey and the conclusions are agreed. The report includes an outline mitigation strategy that involves the creation of replacement roosting

opportunities in one of the retained buildings and supervised soft stripping of the main garage building's roof. This is appropriate to the results of the survey. The Council can be satisfied that the impacts of the development can be adequately mitigated and so the application can be determined accordingly, although it will still be subject to the satisfaction of Natural England through an appropriate licensing arrangement.

Thames Water (Comments on previous scheme 4/02402/17/MOA)

Waste Comments

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. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

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

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.

Growth and Infrastructure Team

Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 1 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, 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.

Environmental Health (Noise)

Further information is required by the developer to assess suitability on noise grounds. The site places properties near to Dagnall Road with outdoor amenity space at the rear. The application will need to determine the observed effect level due to noise prior to determination.

Appendix 2 - Neighbour's Responses

4 neighbouring properties have objected to the proposal, the following is the details of their objections:

St Margarets Farm: I have spoken to you once before in regards to Fourways re-development when they last applied for planning. Please let me re-introduce myself. My name is Joshua Matterson and I farm the field hat surrounds the Fourways development, the farm is based at St Margarets Farm, Great Gaddesden.

Overall I'm for the development of the site, however there are still issues which I feel have not been adequately addressed.

The first and most important is the lack of parking. 21 parking spaces is not adequate considering the relatively isolated location of the development which would require nearly all residents to use their cars for commuting, shopping etc there is not even a close by village shop within reasonable walking distance.

21 parking spaces equates to just over 2.5 spaces per household. With the 4 smallest houses being 3 bedroom, 3 being 4 bedroom and a single 5 bedroom it's not realistic to presume there will only be two cars per household. I struggle to see how the proposed development will reasonably be able to cater for the increased amount of cars that will be in the area without affecting the existing residents. Due to the lack of spaces residents and their visitors will end up having to park on Hudnall Lane. This will cause traffic issues for the local community.

While I may not live close to the Fourways site, if the development was to go ahead as currently proposed the parking issue would in know doubt

negatively impact my business. This is because we use the track (which is owned by us) for farm access at ALL times. Cars which are parked on Hudnall lane make it very difficult to move the farm machinery from Fourways field.

Due to the narrow access to St Margarets Farm in Great Gaddesden, the Fourways field and track is very important to my business as its my only means of being able to move farm machinery and especially our combine onto the B440 to harvest a block of land we farm in Dagnall. The combine width is 3.75m this makes it almost impossible to pass parked cars that will inevitably be parked on Hudnall lane. This will result in us having to find individual owners and ask them to ride their car up on the verge which just about leaves enough space to pass. That is if the owner can be found! Farming is a constant battle with the weather and time, delays like this will cost our business financially.

I also question the need to have two points of access into the developed site, closing off the access to the farm track from the redevelopment site and filling that access space with parking spaces would be a far better use and would help justify placing 8 dwellings on the site. To that end I will be withdrawing rights of access granted to the site that is currently a car garage, as with the re-development there will be a change of use. This means there will only be one access point for the future residents of the redevelopment.

Having explained my concerns in regards to being able to freely move our farm machinery through Fourways track would Dacorum Council be able to lobby/grant for parking restrictions from the Fourways farm track to the B440? This will also have the added benefit of the entrance/exit to the redevelopment being clear of parked cars on the road, allowing them safer access/exit from the Highway.

Herts and Middx Wildlife Trust: Section 2.3 of the submitted bat report states that the survey is valid for only 1 year and that after this period further surveys are required. This survey is nearly 4 years old which is significantly out of date. In accordance with the submitted report further surveys are required to fulfill the ODPM circular 06/05 requirement for protected species surveys to be undertaken when there is a reasonable likelihood of the presence of a European Protected Species, as in this case.

White Rails

Having reviewed the revised drawings issued under the new planning application for the proposed redevelopment of the Fourways site, we write to record our objection for the following reasons:

- The detached units that adjoin our entire boundary are in no doubt an

intrusion of our privacy

- Lack of regard to the current front/back orientation of buildings that matches our home (proposed scheme's orientation creates a direct overlooking position directly into our bedrooms and bathrooms)
- Inaccurate/false representation of our property on the planning drawings - our home has been extended with habitable space within 1m of the boundary (the scheme therefore puts us within c.7m of the new units)
- Proposed waste water solution (reed bed) position is within 10m of the habitable space above our carport
- Omission of supply of any elevation drawings for the rear of the detached units to identify any proposed windows (see below for solution)
- Two ingress/egress points is unnecessary and could create a safety issue along the existing track since it serves both pedestrian traffic and vehicle traffic - having additional vehicle passage to 8 other homes would exacerbate the risk of a person being struck by a vehicle

Improvements

- Reduction in one of the four detached units
- Slight (22.5deg) changed orientation of two of the most westerly proposed detached units would be a fair trade (this will still overlook us, but less directly)
- No first floor windows at the rear on the detached units to avoid overlooking our property
- Instead of first floor windows we suggest high level Velux windows (to avoid overlooking)
- Access off the track should be omitted from the design (for safety reasons noted above)

The Rural Heritage Society of Little Gaddesden

The Rural Heritage Society of Little Gaddesden (of which I am Chairman) OBJECTS to this planning application on the grounds of density of development and likely consequential on-street car parking in a dangerous traffic area, even though the on-site parking provision appears to meet planning guidelines.

The highways and traffic evaluation of the development has not taken in to account material issues of farm vehicle access to Hudnall Lane, particularly as the traffic survey relied upon took place in November, a month when traffic is unlikely to be at its busiest in a rural community. A local farmer (at St Margaret's Farm) uses a farm track access to the public highway (on the western boundary of the development site) which is likely to be obstructed by the on-street parking, which will also be close to the dangerous junction of Hudnall Lane and the B440.

There is no bus service serving this area which would be suitable for commuters in view of the timetable. No buses go to Hemel Hempstead.

The farmer uses the farm track extensively in the summer for large combine harvesters and the like, turning right onto Hudnall Lane and then onto the B440 towards Dagnall. The combines use the same route in reverse to return to the farm.

Conflicts have occurred in the past between the combines and cars parked in this area, sorted by everyone knowing everyone else (farmer/local residents/car sales business). This will not be as likely to happen when the owners and occupants of another 8 properties are using the road to park on. Any such on-street parking will not only obstruct the farmer's legitimate business activities but would also cause traffic issues at what is already a dangerous junction.

Perhaps the issue could be sorted by the stretch of road (both sides) from the farm track to the B440 junction being made the subject of a 24 hour parking restriction (at the expense of the developer), but this would seem unfair on existing residents who currently are able to park on Hudnall Lane without causing any material obstruction.