

ITEM NUMBER: 5c

21/00854/FUL	Demolition of existing storage yard buildings and construction of six dwellings	
Site Address:	Land to the south east of Loch View, Tring Road, Wilstone	
Applicant/Agent:	Mr Young/ Ms Adams	
Case Officer:	Robert Freeman	
Parish/Ward:	Tring Rural Parish Council	Tring West and Rural
Referral to Committee:	The application has been referred to the Development Control Committee due to the contrary view of Tring Rural Parish Council.	

1. RECOMMENDATION – That planning permission be **GRANTED**.

2. SUMMARY

- 2.1 The proposed development would provide much needed housing in an area of previously developed land within the countryside in accordance with Policies CS1, CS2, CS7 and CS17 of the Core Strategy
- 2.2 The proposed development is considered to be appropriate in terms of its layout and design in accordance with Policies CS11 and CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 2.3 The development would have satisfactory access arrangements in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020).
- 2.4 The planning merits of the proposal out-weigh the harm to the countryside from a minor intrusion by car parking and landscaped amenity areas and in accordance with paragraph 11 of the NPPF is considered acceptable.

3. SITE DESCRIPTION

- 3.1 The site is located to the north of the Aylesbury Arm of the Grand Union Canal and to the east of the junction of Tring Road and Watery Lane.
- 3.2 The site comprises 0.34ha of land located to the rear of Loch View and comprising a number of workshop buildings. These are accessed from Tring Road via a shared driveway. The buildings are utilised as a base for the applicants scaffolding company.

4. PROPOSAL

- 4.1 The proposals involve the demolition of four buildings upon the application site and the construction of an 'L' shaped building.
- 4.2 The proposed 'L' shaped building would comprise a main two storey barn style building with a projecting single storey wing. The building would be constructed with a brick plinth, black stained weatherboard walls and a plain clay roof tile. The main barn building would be some 8.8m high with the single storey building having an overall height of some 6.4m
- 4.3 The building would contain six x three bed residential units. A total of eleven parking spaces would be provided of which eight will be provided with an EV charging point.

5. PLANNING HISTORY

- 5.1 The existing haulage and scaffold storage buildings are subject to a Certificate of Lawful Use (4/01756/19/LDE) This application was granted on the 12th September 2019 and establishes the extent of the lawful commercial storage area upon the application site.
- 5.2 The nearest outbuilding to Loch View is visible in aerial photographs of the site from the 1970's and the majority of the other buildings upon the site are visible in aerial photographs from 2010. A further building was added between 2010 and 2015 and is subject to the above Lawful Development Certificate.
- 5.3 The building to the eastern boundary of the site has been constructed since 2015 and does not benefit from planning permission. It was subject to enforcement investigations in 2018 (E/18/00336) and remains subject to enforcement investigations. Officers believe that it was constructed around March 2017 and although the buildings may be lawful, they are likely to have resulted in a material change of use of land along the eastern perimeter of the site.
- 5.4 The buildings and scaffolding structure are not chattels or moveable structures but constitute permanent buildings/structures in accordance with the definition of development at Section 55 of the Town and Country Planning Act 1990 (As Amended). All of the buildings are considered to be permanent structures given their scale, nature and longevity at the site.

6. REPRESENTATIONS

Consultation responses

- 6.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

- 6.2 These are reproduced in full in Appendix B

7. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 – Selection of Development Sites
CS7 – The Rural Area
CS8 – Sustainable Transport
CS11- Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 – New Housing
CS19 – Affordable Housing

CS20 – Rural Sites for Affordable Housing
CS26 – Green Infrastructure
CS27 – Quality of Historic Environment.
CS29 – Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions.

Local Plan

Policy 13 – Planning Conditions and Planning Obligations
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 99 – Preservation of Trees, Hedgerows and Woodlands

Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (November 2020)
Energy Efficiency and Conservation
Water Conservation

8. CONSIDERATIONS

Policy and Principle

- 8.1. The site is located in the designated rural area and comprises previously developed land as set out in the planning history section and approved Lawful Development Certificate (LDE) for the site (4/01756/19/LDE)
- 8.2. Within the Rural Area, the development of previously developed sites would be supported in accordance with Policies NP1, CS1, CS2 and CS7 of the Core Strategy providing that the proposals would have no significant impact upon the character and appearance of the countryside.
- 8.3. This impact needs to be carefully considered in relation to both the spatial impact of the built form upon the site and in terms of the existing lawful use of the site for commercial storage purposes and any associated negative environmental impacts.
- 8.4. It should also be weighed against the lack of a five year housing land supply and the presumption in support of sustainable development in paragraph 11 of the NPPF. In this context the Local Planning Authority should grant planning permission unless:
 - “i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole”
- 8.5. Policy CS8 of the Core Strategy requires the development to be accessible and in particular to ensure that sufficient, safe and convenient car parking is provided in accordance with the Car Parking Standards SPD (2020)
- 8.6. Policies CS11 and CS12 require a high standard of design to be provided in all new development proposals both in the context of the site and its surroundings. An assessment of the design and layout of the proposals is set out below. The impact of development upon

the historical environment also needs to be assessed under Policy CS27 of the Core Strategy given the close proximity to the canal and the grade II listed canal bridge.

- 8.7 This development will make a small contribution towards the overall housing target under Policy CS17 of the Core Strategy and this should be afforded significant weight in the decision. The scheme is not of a scale which would require the provision of affordable housing in accordance with Policies CS19 and CS20 and having regard to the advice within the NPPF. It is clear that the Council should not expect to deliver affordable homes on schemes of less than 10 dwellings.
- 8.8 Any negative impacts upon the character and appearance of the countryside should be considered in the context of Policies CS25 and CS26 of the Core Strategy which seek to conserve and enhance landscape quality and biodiversity.
- 8.9 Sustainable building design and construction is an essential part of the Council's response to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. All new development will be expected to comply with the highest standards of sustainable design and construction in accordance with Policy CS29, CS31 and CS32 of the Core Strategy.
- 8.10 Development must contribute towards the provision of strategic and local infrastructure in accordance with Policy CS35 of the Core Strategy.

Visual Impact

- 8.11 The proposed development is not considered to result in any significant harm to the character and appearance of the countryside in this location.
- 8.12 The existing utilitarian workshop buildings comprise a range of metal clad structures of varied height. These industrial buildings cover a footprint of some 640 square metres of which 467 square metres is subject to an approved LDE. These buildings extend into the countryside beyond the historic curtilage of the site and results in a minor incursion and degradation in the landscape quality of the countryside.
- 8.13 These buildings would be removed from the site and the use of the site for the storage of scaffolding would cease in the event of this application being granted and implemented. The cessation of the site for commercial storage purposes is considered to be a significant environmental benefit resulting in the removal of a potential noise nuisance and one which can attract significant vehicle movements by larger vehicles (including HGV's). Furthermore the proposals would result in the removal of potentially unlawful buildings that have encroached upon the surrounding countryside to its detriment. This area would be landscaped as a result of this proposal. It is noted that a number of the lawful buildings are located in close proximity to the canal towpath and associated landscaping and their removal can only be considered beneficial to the setting of the canal.
- 8.14 The existing buildings, particularly those at the eastern end of the range, are visible from the canal towpath in view of their close proximity to the boundary of the site and a lack of landscaping along the site boundary in this location.
- 8.15 In contrast, the residential footprint of the proposed scheme would amount to some 466 square metres and would provide a more compact 'L' shaped footprint upon the site. This would be contained within the site area covered by the LDE and would be commensurate in height to the larger storage buildings. The buildings would be located further to the north of the plot and the increased separation distance between the proposed building and the canal and together with additional landscaping to the eastern and southern site boundaries

would be less visible in views from the canal towpath. The additional landscaping to the southern boundary will both screen the development and enhance the biodiversity value of the canal side environment supporting the objectives of Policy CS26 of the Core Strategy.

- 8.16 For these reasons and those set out below, the proposals are not considered to be significantly harmful to the character and appearance of the countryside.

Layout and Design

- 8.17 The proposed residential development comprise a simple rectangular barn building with subordinate range. The main building has been reduced in height since its original submission and following the receipt of comments from the Conservation and Design team. The building would be of a high quality design constructed in traditional materials and appropriately detailed. The proposals would be appropriate in terms of their design, bulk, scale, height and use of materials in accordance with Policies CS11 and CS12 of the Core Strategy.
- 8.18 The resulting development would not appear incongruous in the countryside setting in view of its design and would result in general improvements in the overall appearance of the site. The proposed building would be sited entirely within the site coverage of the LDE and would allow for the landscaping of land to the eastern edge of the site. Only a small area of car parking would extend to the eastern site boundary and primarily to facilitate fire access and circulation of larger vehicles within the site. This is not considered to be significantly detrimental to the visual amenities of the area in accordance with Policies CS11, CS12 and CS26 of the Core Strategy.
- 8.19 The proposed dwellings would benefit from modest semi-private amenity spaces adjacent to the canal but would also benefit from larger communal amenity spaces to the front of the building and between the building and eastern site boundary. Although there is a demarcation of individual plots upon the site, the removal of boundaries between plots might be preferable both in visual terms and to assist social interaction between residents of this close knit community. Such matters can be resolved through landscaping conditions to the site and the need to provide additional details of enclosures. In any event, the provision of external amenity space is considered to be satisfactory in accordance with Policy CS12 and Saved Appendix 3 of the Local Plan 1991-2011.

Impact on Amenity

- 8.20 The proposals are not considered to be harmful to the residential amenities of the property at Loch View in accordance with Policy CS12 and Saved Appendix 3 of the Local Plan 1991-2011 in view of their siting.

Access and Parking

- 8.21 The site would be accessed off an existing shared driveway with Loch View off Tring Road.
- 8.22 This access is suitable for use by larger vehicles with good visibility from the entrance in both eastern and western directions. Additional plans are being provided to demonstrate that larger vehicles can enter and exit the site in forward gear and manoeuvre safely within the site.
- 8.23 A total of 11 parking spaces will be provided on the application site for use by residents and visitors. These spaces would be unallocated and would exceed the requirements for on-site parking within the Car Parking Standards SPD (2020). The Car Parking Standards SPD requires the provision of 10.8 spaces. Despite exceeding the standards within the

SPD, this quantity of car parking is considered to be acceptable in this instance. 8 EV charging points would be provided and again this is considered to be sufficient for the scheme as it would exceed the active parking requirements for the site and provide over a single space per residential unit. The car parking layout has been amended partially to address the concerns with visual impact raised by the Canal and River Trust and partially to address concerns with encroachment on the countryside.

Sustainable Construction

- 8.24 The proposals are accompanied by any Sustainability Statement in accordance with Policy CS29 of the Core Strategy. This statement indicates that the primary focus of the applicants will be on the improvement of the building fabric and use of high performance materials which will allow the development to exceed the requirements for Building Regulations. In addition the Sustainability Statement indicates that the proposed development will provide a minimum of 6 new trees to the site as well as additional soft landscaping works and a number of water conservation measures.
- 8.25 The Statement is considered to be acceptable and would accord with Policies CS12, CS29, CS31 and CS32 of the Core Strategy.

Flooding and Drainage

- 8.26 The application site is located within Flood Zone 1 (Low risk) upon the Environment Agency's Flood Risk maps. The flood risks associated with the site are those relating to overtopping of the canal embankment and those relating to the flooding from reservoirs (Marsworth, Startops and Tringford) within the vicinity of the site as set out in the responses of the Canal and River Trust and Lead Local Flood Authority (LLFA). The risk is low and unlikely to prove a barrier to the development of the site. A proportionate response to this risk would be to require further information on the proposed drainage strategy for the site, flood risk and mitigation through a planning condition in the event that planning permission be granted.

Ecology and Biodiversity

- 8.27 The proposals should deliver improvements in the ecological and biodiversity value of the site supporting the objectives in Policies CS12, CS26 and CS29 of the Core Strategy. The existing hard standing areas covering the site will be reduced in scale and a new soft landscaping scheme will be provided to support the residential use of the land.
- 8.28 There is no indication that there are any protected species upon the application site. The removal of existing buildings should however be undertaken carefully and in the event of protected species being encountered appropriate mitigation measures should be undertaken. The application includes the provision of six bat boxes upon the new building and such measures should be secured via a planning condition.

Infrastructure

- 8.29 All new developments are expected to contribute towards the provision of on-site, local and strategic infrastructure in accordance with the requirements of Policy CS35 of the Core Strategy. The Council adopted its Community Infrastructure Levy (CIL) in February 2015 and the development would be liable for payment of CIL in accordance with the adopted Charging Schedule.

- 8.30 Despite resident concerns with the adequacy of sewerage infrastructure within the locality there are no fundamental objections from statutory undertakers to the scheme on the basis of sewerage capacity.

Representations

Procedural Issues

- 8.31 The applicants have completed a Certificate of Ownership for the site and I am satisfied from the information provided that the application may be considered on this basis and noting the indication from the Canal and River Trust regards encroachment. This is not a matter upon which the local planning authority need make judgement.
- 8.32 A Site Notice was displayed in accordance with legislation and the consultation period for comments has elapsed. As such the committee are entitled to make a decision thereon.

Precedent

- 8.33 It is fundamental to the integrity of the planning system that all applications are treated fairly and upon their own planning merits. Despite the numerous references to 4/00024/19/MFA and 20/01754/MFA within the objections to this case, issues of land ownership and representations thereon, it is clear that the applicant is able to submit separate applications in this case without prejudice to the determination and implementation of each case. Each proposal raises different planning issues upon which a judgement is required.
- 8.34 There is no circumvention of planning policy as each is a separate land parcel and is clearly physically divided by the Grand Union Canal.
- 8.35 The approval or otherwise of this case, does not set any precedent for development within other areas of countryside in the locality of the site, nor does it strengthen any argument regarding the extent of the village of Wilstone and how infill development might be considered.

Planning Balance

- 8.36 The planning balance is evoked by paragraph 11 of the NPPF.
- 8.37 The delivery of new homes within the area and the reuse of previously developed land is considered to weigh heavily in favour of the grant of planning permission in this case given the shortfall in the overall housing land supply. The area of housing will largely be contained within an area already covered by commercial storage and subject to a Lawful Development Certificate.
- 8.38 The removal of commercial uses from the area is also considered to result in a number of benefits including improvements in the visual amenities of the area, a reduction in vehicle movements and a reduction in noise and disturbance.
- 8.39 The surrounding countryside is not designated and is not subject to protection under the NPPF. It is considered to have a low amenity and landscape value and the encroachment upon it would be limited to parking and amenity areas. The harm to the appearance of the countryside is limited. There is a strong case to suggest that the environmental quality and biodiversity value of this land would be enhanced through landscaping of the site.

- 8.40 Overall the social, economic and environmental benefits resulting from the scheme would significantly and demonstrably out-weigh the very limited harm to the countryside.

Conditions

- 8.41 A number of planning conditions have been suggested by consultees within the representations in Appendix A to this report. These have been amalgamated where possible to limit the number of conditions imposed in accordance with Paragraph 55 of the NPPF.
- 8.42 Although the Canal and River Trust would prefer details of drainage to be submitted in advance of determination, this is not considered to be reasonable given the inherent low risk of flooding associated with the site (as defined in the Environment Agency Flood Risk maps) and given the scale of development falls below that subject to statutory consideration by the Lead Local Flood Authority. A condition is considered sufficient in this case. Their suggested conditions are reasonable in all other respects and are applied accordingly.
- 8.43 It is necessary to control the extent of on-going extension through the removal of permitted development rights given the relative close proximity of the site to the canal and in the interests of the visual amenities of the area.

9 CONCLUSION

- 9.1 The development should be recommended for approval in accordance with paragraph 11 of the NPPF and for the reasons stated in paragraph 8.40 to this report.
- 9.2 The proposed development is considered to be appropriate in terms of its layout and design in accordance with Policies CS11 and CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011. The development would have satisfactory access arrangements in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

10 RECOMMENDATION

- 10.1 That planning permission be **GRANTED** subject to the following conditions:

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

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

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

Plans

2762.03 C (Site Plan)
2762.05 A (Elevation)
2762.06 A (Elevation)

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

3. **No construction of the superstructure of the development shall take place until samples of the materials to be used in the construction of the development hereby approved. The development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

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

4. **No development, including any demolition, shall commence unless and until a Demolition and Construction Methodology has first been submitted to and approved in writing by the Local Planning Authority to demonstrate that any proposed demolition, earthmoving, excavations, foundation construction or other building operations can be safely carried out without adversely affecting the stability of the adjacent canal infrastructure and to ensure that there would be no potential threat to the water environment of the adjoining canals and the wider network. Thereafter the development shall be carried out in full accordance with the approved details.**

Reason: The detail is required prior to commencement in the interests of the structural integrity of the waterway and to safeguard the environment in accordance with Paragraphs 170 & 178-179 of the NPPF.

5. **No development shall take place until full details of the drainage proposals for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- **Statement of compliance with the NPPF and NPPG policies, LPA local plan policies and HCC SuDS Policies.**
- **Anecdotal information on existing flood risk with reference to most up to date data and information.**
- **Establish location/extent of any existing and potential flood risk from all sources including existing overland flow routes, groundwater, flooding from ordinary watercourses referring to the national EA fluvial (river) and surface water flood maps.**
- **Where infiltration is proposed, evidence of ground conditions/ underlying geology and permeability including BRE Digest 365 compliant infiltration tests should be provided. A detailed drainage strategy which includes a commitment to providing appropriate SuDS in line with the non-statutory national standards and industry best practice.**
- **Detailed calculations of existing/proposed surface water storage volumes and flows with post development calculations/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 an allowance for climate change (for residential developments this is 40%).**
- **Evidence that if the applicant is proposing to discharge to the local sewer network, they have confirmation from the relevant Water & Sewerage Company that they have the capacity to take the proposed volumes and run-off rates.**

- **Any opportunity to improve flood risk directly by the development site or contribution to local flood risk schemes**

The drainage system for the site shall be provided fully in accordance with the approved details prior to the occupation of development.

Reason: To ensure that adequate measures are in place for the drainage of the site and to ensure adequate measures are undertaken to prevent flooding in accordance with Policies CS12, CS31 and CS32 of the Core Strategy.

6. a) **No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**
- b) **If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**
- (i) **A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
 - (ii) **The results from the application of an appropriate risk assessment methodology.**
- c) **No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.**

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

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

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

7. **Any contamination, other than that reported by virtue of Condition 6 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning**

Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

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

- 8. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority.**

These details shall include:

- means of enclosure, including the materials and/or hedging plants to be used for any enclosures, together with the location of any hedgehog gates;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- tree protection plans
- finished levels and contours in relation to existing site levels, eaves and ridge heights of neighbouring properties;
- any exterior lighting works and
- the siting and design of any bird boxes, bat boxes and other habitat creation.
- a Landscape and Ecological Management Plan

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

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

Reason: To ensure the adequate landscaping of the site in accordance with Policies CS12, CS26 and CS29 of the Core Strategy.

- 9. The development hereby approved shall not be occupied until the arrangements for the parking and circulation of vehicles have been provided in accordance with drawing 2762.03 C (Site Plan). The arrangements for the circulation and parking of vehicles shall thereafter be retained in accordance with the approved plans.**

Reason: In the interests of highway safety and to ensure that there is adequate space to enter and exit the site within a forward gear in accordance with Policies CS8 and CS12 of the Core Strategy and Car Parking Standards SPD.

- 10. The dwellings hereby approved shall not be occupied until the Electric Vehicle Charging Points and associated infrastructure has been provided in accordance with drawing 2762.03 C The Electric Vehicle Charging points and associated infrastructure shall thereafter be retained in accordance with the approved details.**

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

- 11. The development hereby permitted shall be carried out in accordance with the submitted and approved Sustainable Development Checklist.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 150 and 153 of the National Planning Policy Framework (2019).

- 12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended) or any revisions thereto there shall be no development falling within the following schedules to the specified units without the express planning permission of the local planning authority**

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

Reason: To safeguard the structural integrity of the canal, in the interests of the visual amenities of the countryside and to ensure satisfactory amenities for future occupants in accordance with Policies CS7, CS12, CS26 and CS32 of the Core Strategy.

- 13. The development, hereby approved, shall not be occupied until arrangements for the prevention and spread of fire have been submitted to and approved in writing by the Local Planning Authority. These measures shall include the provision of fire hydrants where appropriate. The development shall not be occupied until such measures have been provided fully in accordance with the approved details.**

Reason: In the interests of the safety of future occupants in accordance with Policies CS8 and CS12 of the Core Strategy.

Article 35

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVES

CONTAMINATION

a) The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and

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

CANAL WORKS

c) The applicant/developer is advised to contact the Works Engineering Team for Canal and River Trust on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

d) The applicant is advised that any surface water discharge to the waterway will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right, where they are granted, they will usually be subject to completion of a commercial agreement.

HIGHWAY INFORMATIVES

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

e) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

f) Storage of materials:

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

g) Obstruction of public highway land:

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

h) 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.

BATS

i) If bats, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Tring Rural Parish	Tring Rural Parish Council OBJECT to this application.

Council

The proposal is to demolish structures on the site and seek consent for 6 dwellings.

We have reviewed the submission and do not support the definition of the whole of the site, as previously developed land and in that respect, we do not agree that the application accords to national and local planning policies or guidelines.

The National Planning Policy Framework (NPPF) defines previously developed land as; "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure."

In this context, there is a single permanent structure on this site, a garage type building which is significantly less than 40m². We do not believe that this constitutes a substantial permanent building that would otherwise support the definition of previously developed land.

The remaining structures are temporary, steel-framed agricultural-style units and open-sided scaffolding storage. The main hardstanding surface of the site is compacted earth.

The application site is currently B8 usage, defined as storage and distribution. The site is less than 1 hectare in size, sits alone in the countryside surrounded by open fields and outside the settlement boundary of Wilstone.

Christopher Davison, Solicitors LLP - Whether land is or is not within the curtilage of a building can be a decisive factor in many planning cases. The High Court considered the meaning of the word in ruling that a large hardstanding used for storing fencing materials did not fall within the curtilage of the single, modest building on the site."

EWHC 959 (Admin) Case No: CO/3493/2019 IN THE HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION PLANNING COURT

We also question whether applying for planning permission here is a strategy by the landowner/s to establish a precedent for further inappropriate development in the open countryside to both the north and south of the proposed site.

The Design and Access Statement clarifies that this application supports both 20/01754/MFA (28 homes) and 4/00024/19/MFA (15 homes) on land directly to the south of this application.

	<p>TRPC oppose this application and believe it should be refused for the following reasons;</p> <ul style="list-style-type: none"> • It is not previously or presently developed land • It is outside the development envelope of the settlement • The single permanent structure within the curtilage of this land is not substantial • It does not accord with the NPPF guidelines for development in the countryside (Para 77, 78) • It is contrary to Dacorum Core Strategies CS7 for rural areas and by default, policies CS1 & CS2 • It is contrary to the Settlement Hierarchy • It is not included in the DBC Brownfield Register • The proposals for 6 units would not be responsive to local needs CS20 • The proposal is not in keeping with the very rural surrounds. • It cannot be considered limited infill for the purpose of allowing development
<p>Hertfordshire Ecological Records Centre</p>	<p>Hertfordshire Environmental Records Centre does not have any existing habitat or species data for this site. Photographs of the buildings on site have been supplied and show them to consist of a mixture of steel roofed, steel clad and open steel framed structures suboptimal for roosting bats. Given the location and nature of the site, lack of associated records and apparent characteristics of the building, on this occasion I do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination. However, in the unlikely event that bats are found, given the proposal will involve demolition, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.</p> <p><i>“If bats, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.”</i></p> <p>The planning system should now aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Simple biodiversity enhancements that could be incorporated into the development proposal include examples such as: integrated bat roost units (bricks and tubes) in buildings, bat and bird boxes in trees, specific nest boxes for Swifts and House sparrows, refuge habitats (e.g. log piles, hibernacula) for reptiles and invertebrates, hedgehog homes, gaps under fencing to allow free movement of small mammals (e.g. hedgehogs) and amphibians,</p> <p>The amended site plan shows indicative tree planting, in order for these to contribute a meaningful biodiversity net gain these should be composed of native species or species of known wildlife value. Other measures that could be considered are native hedgerow planting or</p>

	<p>the planting of a small community orchard in the wider site. Any biodiversity enhancements should be considered at an early stage to avoid potential conflict with any external lighting plans. Advice on type and location of habitat structures should be sought from an ecologist. Details of any such biodiversity measured should be shown on a Landscape and Ecological Management Plan and secured by condition.</p>
<p>Hertfordshire County Council – Highways</p>	<p>The proposal is for the demolish of the existing storage yard, change of use to residential and construction of 6 dwellings at land to the south east of Loch View, Tring Road, Wilstone.</p> <p>The new dwellings will utilise the existing access that currently serves the storage yard. This is an interim response owing to HCC Highways concern that large 10.2 metre vehicles cannot manoeuvre onsite to enter and exit the highway network in forward gear. This is because the dwelling must be within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses'. This is not the case and therefore large vehicles such as refuse trucks and fire appliances will have to manoeuvre on site to enter and exit the highway network in forward gear.</p> <p>The route leading to the dwelling must be at least 3.7 metres to accommodate a fire appliance.</p> <p>Therefore, for HCC Highways to fully investigate the site and make a highway recommendation, we would like details on the visibility splays of the existing access, width of the access route and swept path analysis for a large vehicle such as a fire appliance when all parking bays are full with cars.</p> <p>Once, this has been achieved then HCC Highways can determine if the access to the site is safe.</p>
<p>Hertfordshire County Council – Fire and Rescue Service</p>	<p>We would request that the Council secure the provision of new fire hydrants for the development through a planning condition.</p>
<p>Hertfordshire County Council – Lead Local Flood Authority</p>	<p>This is a minor application and the LLFA are not a statutory consultee. We are however happy to provide advice in this instance.</p> <p>As LLFA we requested the LPA to consult us on this application due to flood risk in Wilstone.</p> <p>The applicant has not provided any information regarding surface water flood risk or information on how surface water will be managed from the new development.</p> <p>From a review of the national Risk of Flooding from Surface Water mapping, the site is at predicted very low risk of surface water</p>

flooding. However, there is some medium risk of surface water flooding mapped in association with the Grand Union Canal, Aylesbury Arm.

Along the southern boundary of the site there is a mapped Ordinary watercourse, the Grand Union Canal, Aylesbury Arm, therefore the LPA may wish to consult the Canal and Rivers Trust.

From a review of the application form, the applicant is proposing to discharge surface water via soakaway. We would recommend the LPA obtains from the applicant BRE Digest 365 compliant infiltration tests to ensure the feasibility of infiltration on site. In addition, groundwater is known to be high in the area of the site, we would therefore recommend groundwater monitoring is undertaken to ensure a minimum 1m buffer can be obtained between the plane of infiltration and groundwater levels.

The applicant should provide BRE Digest 365 compliant infiltration tests, if infiltration is found not to be feasible the applicant will need to demonstrate an alternative surface water discharge mechanism for the site, with all appropriate permissions and confirmation of feasibility.

We would recommend the LPA obtains a surface water drainage strategy for the site.

What we would normally expect to find in a drainage strategy includes:

- Statement of compliance with the NPPF and NPPG policies, LPA local plan policies and HCC SuDS Policies.
- Anecdotal information on existing flood risk with reference to most up to date data and information.
- Establish location/extent of any existing and potential flood risk from all sources including existing overland flow routes, groundwater, flooding from ordinary watercourses referring to the national EA fluvial (river) and surface water flood maps.
- Where infiltration is proposed, evidence of ground conditions/ underlying geology and permeability including BRE Digest 365 compliant infiltration tests should be provided.
- A detailed drainage strategy which includes a commitment to providing appropriate SuDS in line with the non-statutory national standards and industry best practice.
- Detailed calculations of existing/proposed surface water storage volumes and flows with post development calculations/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 an allowance for climate change (for residential developments this is 40%).

	<p>- Evidence that if the applicant is proposing to discharge to the local sewer network, they have confirmation from the relevant Water & Sewerage Company that they have the capacity to take the proposed volumes and run-off rates.</p> <p>- Any opportunity to improve flood risk directly by the development site or contribution to local flood risk schemes</p> <p>For further advice on what we expect to be contained within the surface water drainage assessment to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage:</p> <p>https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx</p> <p>The minimum required to assess the flood risks resulting from the proposed development:</p> <ul style="list-style-type: none"> - The volume of surface water the site will have to deal with - How the proposal intends to manage these volumes within the site - Where the water will be disposed of <p>Informative to the LPA</p> <p>Should the LPA require further information from the applicant, we would be happy to offer any further advice on any subsequent information received by the LPA.</p> <p>Please note, if the LPA decides to grant planning permission, we wish to be notified for our records</p>
Herts and Middlesex Wildlife Trust	<p>Due to its location close to optimal bat habitat, this proposal is ideally suited to incorporate a biodiversity net gain in the form of integrated bat boxes in each of the proposed dwellings. The following condition should be added to the decision to secure this:</p> <p>'Prior to the commencement of the development, details of 6 integrated bat cavity boxes, one in each building, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme, be fully constructed, prior to occupation of the approved development and retained as such thereafter.'</p> <p>Reason: To conserve and enhance the biodiversity of Dacorum in accordance with NPPF</p>
Conservation and Design	<p>It would be recommended that the overall height of the two storey element is lowered as it appears fairly substantial in this relatively open rural location. The overall design approach appears in keeping with the rural character of the area although the eaves could be lowered to increase the pitch of the roof.</p>

	<p>The principle concern would be in relation to the setting of the canal. The sub division of plots boundaries should be either hedgerows or wire fencing and the storage of garden equipment and sheds should be shown. A proliferation of domestic paraphernalia could have a suburbanising impact on the character and appearance of the area and the canal.</p> <p>We would agree with the heritage statement that the proposals would not generally impact on the setting of the locks and bridge but would highlight that suburbanising garden areas and equipment could be harmful.</p>
Contamination Officer	<p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> <p>This is considered necessary because the proposal involves a change of use from a storage yard to residential, and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the presence of any contamination means that the following planning conditions should be included if permission is granted.</p> <p><u>Contaminated Land Conditions:</u></p> <p><u>Condition 1:</u></p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p style="padding-left: 40px;">(iii) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p>

- (iv) The results from the application of an appropriate risk assessment methodology.
- (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.
- (d) This site shall not be occupied, or brought into use, until:
 - (iii) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 - (iv) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

Condition 2:

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

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

Informative:

The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact

	could be passed on to the developers.
Environmental Health	<p>I have reviewed the details and information provided.</p> <p>The site is outside transportation significance noise contours and also outside of the AQ Mgt Zone. Due to the relatively small size of the development I do not consider it will negatively impact on neighbouring properties. I therefore do not have any objections to the application or make any further comment.</p>
Waste Services	<p>There should be enough space to store 3 x wheeled bins and a kerb side caddy at each property with space to present 2 x wheeled bins and the caddy on the boundary nearest the road the collection vehicle uses.</p> <p>Consideration should be given to the collection vehicles which are 26t rigid freighters approx. 11m x 3m.</p>
Canal and River Trust	<p>We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process</p> <p>The main issues relevant to the Trust as statutory consultee on this application are:</p> <ul style="list-style-type: none"> a) Impact on the structural integrity of the canal due to the proximity of the works. b) Impact on the structural integrity and water quality of the canal due to the drainage proposals. c) Impact on the character, appearance, and heritage of the waterway corridor. d) Flood risk <p>Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that amendments, additional information and suitably worded conditions are necessary to address these matters.</p> <p>Our advice and comments follow:</p> <p><u>Impact on the structural integrity of the canal due to the proximity of the works.</u></p> <p>The application site lies adjacent to the offside of the canal which</p>

currently has soft bank protection. Although the proposed buildings would be set back from the canal the proposals include demolition works in very close proximity to the canal boundary, and potentially on land within the ownership of the Trust.

With any development close to the waterway there is the potential for adverse impacts on the infrastructure of the canal in terms of stability, drainage, pollution etc. There is a risk that demolition and construction operations, including excavations, method of constructing foundations and operation of heavy plant or machinery, in close proximity to the canal boundary, could adversely affect the integrity of the canal structure and nearby structures such as the lock, particularly from vibrations.

It may also be that water from the canal is present on the site, and though this may not currently be having an impact as it is hydrologically balanced, it could be encountered during works. Excavating close to the canal may disrupt this balance and reveal these water sources. The applicant would be responsible for addressing this and undertaking any remediation works required.

As you are aware, land stability is a material planning consideration and is referred to in paragraphs 170 & 178-179 of the NPPF, as well as being the subject of more detailed discussion in the current National Planning Practice Guidance. We consider therefore that this advice and guidance clearly identifies that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

We appreciate that the issue of land stability can be complex and often also involves other regimes such as Building Regulations, however the NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land instability and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability.

On the basis of the above, we consider it would be appropriate and justified to secure submission of a construction methodology, including details of demolition works, foundation design and means of construction and all earthmoving/excavation work and vegetation removal required to be undertaken. This will ensure that the demolition and construction is carried out in an appropriate manner which would not risk the stability of the canal bank and associated infrastructure.

We consider this matter could be controlled via a suitably worded planning condition. The works will need to comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust" and we recommend that the applicant/developer liaise with our engineers to identify the most appropriate approach before seeking to discharge such a condition. In any event, we request that we are consulted on any information subsequently submitted to discharge any such condition and will be happy to provide technical advice and support to the Council in reviewing any information submitted.

Condition – Demolition and Construction Methodology

No development, including any demolition, shall commence unless and until a Demolition and Construction Methodology has first been submitted to and approved in writing by the Local Planning Authority to demonstrate that any proposed demolition, earthmoving, excavations, foundation construction or other building operations can be safely carried out without adversely affecting the stability of the adjacent canal infrastructure and to ensure that there would be no potential threat to the water environment of the adjoining canals and the wider network. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: The detail is required prior to commencement in the interests of the structural integrity of the waterway and to safeguard the environment in accordance with Paragraphs 170 & 178-179 of the NPPF.

Impact on the water quality of the canal due to the drainage proposals.

The drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of the waterways. The Application form states that foul drainage details are unknown and surface water drainage would be to a soakaway.

It is not clear whether the geology usually found near a canal has been considered and whether a soakaway would be an appropriate or indeed effective method for surface water drainage in this location. The drainage details for any parking areas would also need to include information on measures to prevent contaminated runoff, such as petrol interceptors. With regards to foul drainage, it needs to be ensured that any proposed system can accommodate the proposed development without risk of contamination of the waterway or adverse impact to its structural integrity.

On the basis of the very limited information submitted, it cannot currently be determined with any degree of certainty that appropriate drainage systems could be provided and these would not adversely affect the integrity or water quality of the canal.

Therefore, whilst full details of the final drainage strategy could be addressed by condition the applicant should, prior to determination, provide sufficient details to provide a basic indication as to how foul and surface water drainage are proposed to be addressed and demonstrate that these have taken account of the individual circumstances and location of the application site. The Trust wish to be consulted on these details when available.

It may be that the discharge of surface water to the canal could be considered though, as above, further details on any proposed drainage strategy would be required, and any surface water discharge to the waterway will require prior consent from the Canal & River Trust.

Impact on the character, appearance, and heritage of the waterway

corridor.

The site is in close proximity to Wilstone Bridge and Lock no.8, both of which are Grade II listed. The existing structures within the application site do not make a positive contribution to the canal corridor, or the setting of the heritage assets. The siting of a more prominent, though better quality development, further away from the water's edge, and the listed assets, would likely have a neutral impact or potentially result in a slight enhancement.

The proposed development aims to reflect the local vernacular agricultural building in a largely traditional way. Overall, the scale and mass seem considered and, whilst not reflecting the more modern architectural styles of other recent development in the area, this appears to be an appropriate approach to development of the site.

However, due to its proposed size and proximity to the waterway the car parking area would be visually dominant and adversely impact on the visual amenity of the canal corridor. It is acknowledged that landscaping could aid in screening this to some degree though considering the proximity to the designated assets, in order to minimise the visual impact, consideration should be given to relocating / reconfiguring the car park area to ensure it would be no closer to the water's edge than the southern extent of the proposed building façade.

In addition, and as a minimum, any opportunities to visually buffer views of parked vehicles from the canal and incorporate appropriate measures to prevent vehicles entering the water, such as the provision of low-level native planting, should be considered. There is very little detail on the proposed landscaping and opportunities for any meaningful planting to the rear of the proposed dwelling would appear limited.

The proposed gardens are of limited depth and considering their orientation, it is likely future occupants would seek to maximise light and views over the canal corridor, thereby limiting the long-term retention of any substantial planting. It will therefore be important to ensure that appropriate landscaping is provided, and any new planting should be native species, appropriate to this waterside setting. These details should be required by condition.

Condition – Landscaping

The development hereby approved shall proceed only in accordance with detailed landscaping plans for the site boundary with the Aylesbury Arm of the Grand Union Canal, which have been submitted to and approved in writing by the Local Planning Authority. The planting shall be completed in all respects within the first planting season following the first occupation of any of the dwellings hereby approved and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting

season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy 106 of the Dacorum Borough Local Plan 1991-2011 and Policy CS26 of the Dacorum Core Strategy 2013.

The proposed layout includes rear gardens facing the canal and this has the potential to result in open views to poor boundary treatments, such as tall close boarded fences which would be visually detrimental. The installation of fencing in close proximity to the canal boundary also has the potential to impact on the structural integrity of the waterway. These details could be required by condition and we request that we are consulted on any information subsequently submitted to discharge this condition.

Condition – Boundary Treatment

Prior to the first occupation of any of the dwellings hereby approved details of any boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented and maintained wholly in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and minimise the impact on the integrity of the canal and safety of waterway users in accordance with Policy 106 of the Dacorum Borough Local Plan 1991- 2011 and Policy CS10 of the Dacorum Core Strategy 2013.

The Trust would also wish to ensure that the historic character, appearance and setting of the canal corridor and designated assets are not adversely affected by any subsequent additions or alterations, and considering the proximity to the waterway, that the structural integrity of the canal infrastructure is not adversely affected. It is therefore considered that a condition should be imposed to remove permitted development rights.

Condition - Permitted Development

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any revoking and re-enacting that order with or without modification) no development covered by

Class A, B, C, D, E and F of Part 1; Class A of Part 2 of Schedule 2; or Classes A-I of Part 14 of that Order shall be carried out without the express written consent of the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to ensure any development preserves or enhances the significance of

	<p>the designated heritage assets in accordance with Policies 106 and 119 of the Dacorum Borough Local Plan 1991-2011 and Policy CS27 of the Dacorum Core Strategy 2013, and in the interests of minimising the risk of creating land instability arising from any adverse impacts from earthmoving, excavations or other construction works upon the stability of the canal and in accordance with the advice and guidance on land stability contained in paragraphs 170 & 178-179 of the National Planning Policy Framework and in the National Planning Practice Guidance.</p> <p><u>Flood risk</u></p> <p>The site is within the inundation zones of the Startops and Wilstone Reservoirs, though the submission includes no reference to these. In accordance with paragraph 163 of the NPPF flood risk must be properly considered by the developer, and the development should be appropriately flood resistant and resilient with any residual risk safely managed.</p> <p><u>Comments as Landowner</u></p> <p>The application site includes land within the ownership of the Canal & River Trust though no Notice has been served on us by the Applicant. The applicant/developer is advised to contact Bernadette McNicholas of the Trust's Estates Team on 07920 495745 or bernadette.mcnicholas@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained.</p> <p>Should planning permission be granted we request that the following informatives are appended to the decision notice:</p> <p>1) The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".</p> <p>2) The applicant is advised that any surface water discharge to the waterway will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right, where they are granted, they will usually be subject to completion of a commercial agreement.</p> <p>For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
Supporting Comments	

Loch View, Wilstone	<p>I have lived at Loch View all my life (53 years)</p> <p>There is now a development of 8 houses that have been built at Wilstone Wharf, which is opposite my house (Loch View), so in my opinion 6 houses on the storage yard of Loch View will only compliment the area by removing an old storage yard and improving the area</p>
1 Mill Street, Wilstone	<p>I live in Wilstone and am in full support of this small development. The proposed plan is not greedy and, if the existing scaffold premises and associated business traffic go, it wouldn't add any additional strain on the village (which has been a concern for us before).</p> <p>The proposed style is in keeping with the area and akin to Meads farm shop - I feel it would only enhance our village and the surrounding countryside</p>
15 Station Road, Cheddington	<p>Although 100% in support of local businesses, the departure of this scaffold yard that brings vans, trucks and pick-up trucks through the village and surrounding villages on a daily basis is definitely a welcome progression and change to the local area.</p> <p>I am in fact glad to see that the land owner has/must have considered the rural feel of the local area and only plans 6 houses - as opposed to the unsightly development in Cheddington.</p> <p>Despite being in strong opposition to the ever progressing development of the Green Belt land that we are so lucky to live in, I feel that this (with careful consideration and collaboration with the locals) will demonstrate how projects like this should be undertaken.</p>
Goodspeeds, Watery Lane	<p><u>Mr Fermont</u></p> <p>This development in my opinion is an improvement to the site, and is not an overdevelopment. I would prefer to have seen a better mixture of property sizes, from 1 bedroom to 3 bedroom to give a distribution of price ranges.</p> <p>I would like to see the plans include provision of a footpath into Wilstone village, as Tring Road is quite busy and there is no easy or safe pedestrian access into the village.</p> <p>As these are canal side properties, I would like to see existing shrubs and trees maintained as the canal has a wide diversity of wildlife, including Kingfishers, that depend on shrubs and trees.</p>
41 Grange Road, Wilstone	<p>I have lived in this village for 30 years, and would welcome more people to this wonderful area.</p> <p>I personally think that this is an excellent site for houses to be built.</p> <p>The existing area is a bit of an eyesore, and as long as the services of sewage, water etc are stringently adhered to, I think it would be a bonus to the village, without much effect on local ecology</p>

Rose Cottage, Astrope Lane	This site suits a small development. The current use as a scaffolding yard with HGV's coming and going is detrimental. I therefore fully support this application
Objections	
17 Dixons Wharf, Wilstone	<p>The key concern with this application if granted is that it will positively enable the far more challenging adjacent application of Land Off Tring Road, Wilstone, to be granted permission.</p> <p>Currently, there is a substantial physical separation between the edge of Wilstone Village and the next nearest development at Dixons Wharf (which itself was built on previous industrial land).</p> <p>As has been well documented, the woodland plot adjacent to Dixons Wharf was cleared late on in August 2020 (the reason for which has not been provided by the landowner) and there is one further open field parcel (under pasture) between Loch View and Dixons Wharf. To the other side of Loch View, beyond the canal, is another parcel of open land (under pasture) that is subject to the larger Land Off Tring Road application.</p> <p>Allowing this proposal to go ahead will place new residential development directly in the middle of Wilstone Village and the separated Dixons Wharf and will no doubt mean that the Land Off Tring Road application will appear more palatable as infill between these areas, as well as placing the open pasture and cleared woodland next to Dixons Wharf at far greater risk of future development, for the same reasons.</p> <p>The local planning authority needs to stand strong in maintaining the intended separation between Wilstone Village edge and Dixons Wharf, as per local planning policy, by rejecting this and any other planning applications for residential development between these two distinct areas.</p>
2 New Road	Proposal would be detrimental to the compactness and character of the village, and cause more traffic at a narrow and dangerous bridge
9 New Road, Wilstone	<p>I object to this development due to the lack of local infrastructure, there are no pavements into the village to use amenities, pedestrians would need to cross a single hump bridge. The lack of pavements at the Luke's Lane development leaves people walking with pushchairs and young children to school, which is very dangerous.</p> <p>The canal path is often flooded due to flooding from the adjacent land.</p> <p>The water supply to the village is compromised by cracked pipes and the pumping station to remove waste is already under strain. Waste frequently needs to be tankered away.</p> <p>Public transport to the village is limited. The council already do not supply every child in the village with a bus pass to Tring School.</p>

	<p>Further development will put more strain on our overloaded services.</p> <p>There are no planning notices outside the property to alert local residents of this intended planning application. My understanding is this is a requirement?</p> <p>The application states no employment will be effected - how many people work for the scaffold yard? I am also aware of a local carpenter's workshop in the site. In reality how many local jobs does this proposed development actually impact?</p> <p>The application openly supports the refused application 20/01754/MFA for 28 homes.</p> <p>If granted, could this create infill which would pave the way for future major developments on the surrounding land?</p>
Huckvale, 13 New Road	<p>The proposed development does not lie within the curtilage of the village of Wilstone therefore does not comply with local and national policies eg CS 1, CS2 and CS7.</p> <p>It is located in an isolated rural area. Although the proposal suggests it complies with canal side developments that enhance an area, the location is on the opposite side of the canal, the only access being some distance down the main road (60mph limit) with no footpath.</p> <p>As such it is not sustainable since residents would be dependent on cars to eg safely take children to school.</p> <p>The property has not been previously developed- there are a number of structures without foundations consisting scaffold poles and shelves, most with no sides or backs.</p> <p>The developer showing support of the previously refused planning application for 28 houses is curious and implies plans for future infilling?</p> <p>I hope that the planning team in Dacorum will comply with the NPPF and their own policies in preserving the rural nature of Wilstone and its surroundings- the lack of housing supply does not allow for them to be disregarded.</p>
21 Tring Road, Wilstone	<p>Overall, this proposal is in breach of the Council's own policies, detailed below. I also believe this application is deliberately designed to facilitate another application of the development of 28 houses, now resubmitted as a 15 houses development, between the canal bridge and Grange Road. This will open the floodgates for significant additional development.</p> <p>In relation to planning policies: -</p> <p>It is contrary to policies CS1, CS2 and CS7 of the Core Strategy</p> <p>It is contrary to DBC CS8 and CS20</p>

	<p>It is contrary to the Settlement Hierarchy</p> <p>It is outside the settlement's Development Envelope</p> <p>It cannot be considered limited infill for the purpose of allowing development</p> <p>It does not meet local housing need as a rural exception development</p> <p>It is contrary to the NPPF guidelines for development in the countryside (Para 77, 78)</p> <p>It is contrary to the NPPF definition of sustainable development</p> <p>It is not previously or presently developed land, the majority of the structures are temporary</p> <p>The only permanent structure within the curtilage of this land is not substantial.</p> <p>It is not included in the DBC Brownfield Register</p> <p>Additional Comments</p> <p>Now that the adjacent planning application for 28 houses is possibly going for appeal, this application for six houses, should be seen as one large development of 34 houses, separated only by a narrow canal.</p>
58 Tring Road, Wilstone	<p>My objections to the application are listed below:</p> <ul style="list-style-type: none"> - It is contrary to Policies CS1, CS2 and CS7 - It is contrary to DBC CS8 and CS20 - It is contrary to the Settlement Hierarchy - It is outside the settlement's Development Envelope - It cannot be considered limited infill for the purpose of allowing development - It does not meet local housing need as a rural exception development - It is contrary to the NPPF guidelines for development in the countryside (Para 77, 78) - It is contrary to the NPPF definition of sustainable development - It is not previously or presently developed land, the majority of the structures are temporary - The only permanent structure within the curtilage of this land is not substantial - It is not included in the DBC Brownfield Register <p>I believe this is a deliberate attempt to circumvent normal planning requirements, and is intended, if the application is approved, to create an argument for the previously refused application for 28 houses (20/00754/MFA) on an adjacent site to be considered "infill" and hence more likely for future approval.</p>
90 Tring Road	I was not notified of this current application and only came across it by

	<p>chance, considering we are Loch View's nearest neighbour on this side of the road across the other side of the canal bridge.</p> <p>I feel this new application is now in place in order to seek an infill for the application for 28 homes refused on application 20/01754/MFA. The application is on land owned by the same local family members.</p> <p>Both applications are outside the Village boundary.</p> <p>There is only one permanent structure on this site since we have lived in the village. All the other structures are temporary structures over recent years contrary to application 4/0176/19/LDE which states these scaffold housing structures have been there for over ten years. These were erected without planning consent until 2019. B8 designated land does not benefit from permitted development rights.</p> <p>As on application 20/01754/MFA the land is on a high-water table. Watery lane/Asthorpe lane which runs opposite Loch View suffers from severe flooding. In front of Loch View on the road there is always on wet days an accumulation of surface water. Watery Lane was recently flooded which shows the road on first glance to look like the canal which were posted locally on social media. In the past six months the village has suffered two flooding incidents where the village was impacted by flood water. In the past six months under our hedge at the front of our property it has flooded due to water running off the land refused permission for 28 homes. It is accumulating under our hedge since highways inserted a kerb stone by the canal bridge. The surface water runs onto highways land and accumulates under our hedge and covers a very large area.</p> <p>This application is not within NPPF guidelines for development in the countryside</p> <p>It is contrary to Dacorum Core Strategy CS1, CS2, CS7, CS8</p> <p>It is outside the Village boundary and not on previously developed land.</p> <p>It should not be considered as infill.</p> <p>Village already has an impacted sewage system along with flood risk.</p>
<p>10 Chapel Fields, Wilstone</p>	<p>I wish to strongly object to this development and I am suspicious of the support it gives to the application of 28 houses already refused.</p> <p>Wilstone is a small rural village of approximately 300 properties. There are few amenities- one small voluntarily run village shop and a small pub. The village often floods after heavy rain which results in sewage problems. There are few pavements and one end of the village has a weight restricted bridge.</p> <p>There appears to be a sustained effort by developers who have no respect for this village by building as many houses as possible and then to walk away and leave the problems for others.</p> <p>This development I believe is outside the village boundary on undeveloped land. The village is already under strain from previous</p>

	<p>developments.</p> <p>As there is little or no employment within the village any new property owners will use cars for work and or leisure as transport links are negligible.</p> <p>This development is both inappropriate and harmful for the countryside and could lead to further developments to the north and south.</p> <p>The connection with applications 20/01754/MFA and 4/00024/19/MFA is extremely worrying.</p> <p>Specifically</p> <ul style="list-style-type: none"> * this is not previously developed land * this contravenes CS1- distribution of development * this contravenes CS2- selection of development sites * this breaches CS7- rural areas * this breaches CS8- sustainable transport * this breaches CS20- rural sites for affordable homes <p>This site is currently B8 usage sitting in countryside surrounded by open fields outside Wilstone and therefore is neither responsive to local needs nor in keeping with the rural area.</p> <p>I ask you to protect our village and surrounding rural area and reject this speculative application.</p>
<p>Goodspeeds, Watery Lane</p>	<p><u>Mrs Fermont</u></p> <p>Wilstone seems awash with planning applications at the moment.</p> <p>My objections can be summarised as follows:</p> <ul style="list-style-type: none"> - It is not previously or presently developed land - It is outside the development envelope of the settlement - The single permanent structure within the curtilage of this land is not substantial - It does not accord with the NPPF guidelines for development in the countryside (Para 77, 78) - It is contrary to Dacorum Core Strategies CS7 for rural areas and by default, policies CS1 & CS2 - It is contrary to the Settlement Hierarchy - It is not included in the DBC Brownfield Register - The proposals for 6 units would not be responsive to local needs CS20 - The proposal is not in keeping with the very rural surrounds. - It cannot be considered limited infill for the purpose of allowing development