

ITEM NUMBER: 5c

21/01058/FUL	Conversion of the existing water tower (sui generis) to residential (C3), incorporating the infilling of the concrete pillars at the base of the tower and the construction of a flat roof canopy; and the construction of new access road.	
Site Address:	Water Tower Luton Road Markyate Hertfordshire	
Applicant/Agent:	R Gill	Mr David Lomas
Case Officer:	Colin Lecart	
Parish/Ward:	Markyate Parish Council	Watling
Referral to Committee:	Objection received from Parish Council	

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 Overall, it is considered that the proposed development would not result in greater spatial or visual harm to the openness of the Green Belt, especially when taking into account the five main purposes of including land within the Green Belt contained within the NPPF. The assessment has taken into account the individual site context, profile of the existing building and the proposed building works of which the majority to not expand or 'sprawl' beyond the established built envelope of the existing building.

2.2 There is no objection to the design of the dwelling and it is considered that the proposal represents an opportunity to create a high quality, innovative and distinctive dwelling. It is also considered that the development would not have an adverse impact on the residential amenity of the surrounding dwellings and provide an acceptable level of amenity for future occupants.

2.3 The Trees and Woodlands Officer has no objection to the protection measures for retained trees contained within the application. Likewise, Hertfordshire Highways has no objections to the proposal, noting that an existing access of Luton Road is to be used.

2.4 As such, the proposal is recommended for approval subject to the conditions contained within this report.

3. SITE DESCRIPTION

3.1 The application site comprises a disused Water Tower Located on the southern side of Luton Road, Markyate. The site is part of a wider woodland which is protected by two separate Tree Preservation Orders and is also located within the Green Belt.

3.2 To the north lies open fields with a Rights of Way running through these. Ribbon development comprising residential dwellings is located just to the north east of the site, along Luton Road with what appears to be commercial related development located to the rear of these. More residential dwellings are located along Caddington Common as well as on Markyate Road to the north east. Caddington Hall, a former care home, is located to the south west of the site. The wider area comprises primarily agricultural fields with Markyate located to the west.

4. PROPOSAL

4.1 The application seeks planning permission for the conversion of the existing water tower (sui generis) to residential (C3) including the construction of a new access. The infilling of the lower portion of the water tower is proposed to accommodate this conversion.

5. PLANNING HISTORY

Planning Applications:

4/01691/05/FUL - Conversion to four/five bedroom house
WDN - 23rd September 2005

4/01449/03/TEL - Six pole-mounted dual polar antennae located around top of water tower with six dishes and ten equipment cabins
PRQR - 12th August 2003

6. CONSTRAINTS

CIL Zone: CIL2

Green Belt: Policy: CS5

Parish: Markyate CP

RAF Halton and Chenies Zone: Red (10.7m)

Parking Standards: New Zone 3

EA Source Protection Zone: 3

Tree Preservation Order: 406, Details of Trees: A1 Trees various within area Various

Tree Preservation Order: TPO 563, Details of Trees: A1 All trees of whatsoever species

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2021)

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

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

Relevant Policies:

Core Strategy (2013)

NP1 - Supporting Development

CS1 - Distribution of Development

CS5 – Green Belt

CS8 – Sustainable Transport

CS9 – Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 – New Housing
CS18 – Mix of Housing
CS24 – The Chilterns Area of Outstanding Natural Beauty
CS26 – Green Infrastructure
CS27 - Quality of the Historic Environment
CS28 – Carbon Emission Reductions
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Local Plan (2004):

Policy 10 – Optimising the Use of Urban Land
Policy 18 – The Size of New Dwellings
Policy 21 – Density of Residential Development
Policy 51- Transport Impacts
Policy 58 – Private Parking
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 111 – Building Heights

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The impact on the openness of the Green Belt;
The quality of design and impact on visual amenity;
The Impact on Heritage Assets
The Impact on the Chiltern Hills AONB;
The impact on residential amenity;
The impact on highway safety and car parking
The impact on trees; and
Other material planning considerations (such as ecology, flood risk, ground contamination etc).

Principle of Development

9.2 The application site is located within the Green Belt where Policy CS5 of the Core Strategy (2013) seeks to protect the openness of the Green Belt in accordance with national policy.

9.3 Paragraph 138 of the National Planning Policy Framework (NPPF) (2021) sets out the five purposes of including land within the Green Belt which are:

- To check the unrestricted sprawl of large built-up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

9.4 Paragraph 149 of the NPPF states the construction of new buildings should be regarded as inappropriate in the Green Belt. However, a number of exceptions to this are listed, one of which being the limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

9.5 It is considered the building is of substantial and permanent construction and therefore it, and its curtilage, come under the definition of previously developed land as contained within Annex 2 of the NPPF.

9.6 Paragraph 80 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside. Both *Braintree District Council v SSCLG [2018]* and *Bramshill v SSHCLG [2021]* are judgements which provide meaning on 'isolated homes in the countryside'. Overall, the judgements point to the fact that the decision maker should consider whether the development would be physically isolated, in the sense of being isolated from a settlement. The extent of the formal village boundary in a development plan should not be used as a sole determinant in assessing whether a dwelling is isolated from a settlement.

9.7 Markyate, located to the west of the site, is identified as a large village within the Core Strategy (2013) and it is considered there is no doubt with regards to its status as an established settlement. The application site is located approximately a 3 minute drive to Markyate's high street, approximately a 15-20 minute walk, or 4 minute cycle. In this context, it is not considered that the site is physically isolated from the settlement. On the ground, it is considered that a dwelling at the site, and indeed those already existing along Luton Road, can be considered to be functionally part of the village in that residents would have reasonably quick access to services/amenities contained within the village and likely maintain social ties within the settlement due to their proximity and use of these services/amenities. Thus, it is considered the application would not result in an isolated home in the countryside when having regard to the relevant case law.

9.8 Policy 10 of the Local Plan (2004) also states that vacant or underused land and buildings should be brought into the appropriate use(s) as soon as practicable through new building, conversion, adaptation or other alteration. Section 11 of the NPPF also places an emphasis on making effective use of land, noting that planning decisions should promote and support the development of under-utilised land and buildings.

9.9 As a result of the above, it is considered the principle of the development is acceptable in principle.

Impact on the Openness of the Green Belt

9.10 The concept of 'openness' is taken to mean the state of being free from built development, the absence of buildings – as distinct from the absence of visual impact (*R (Lee Valley Regional Park Authority) v Epping Forest DC [2016] EWCA Civ 404, Treacy, Underhill, Lindblom LJJ*).

9.11 However, in the case of *Goodman Logistics Developments (UK) Ltd v Secretary of State for Communities and Local Government and another [2017]* it was determined that visual harm and/or perception was an "obviously material" consideration and that the perceived effect upon openness

could be less than might be expected because, for example, the development would have a limited effect upon people's perception of openness from beyond the boundary of the site. In this sense, the visual impact has to be viewed through the concept of openness itself, rather than in more general terms.

9.12 Despite this, it is important to note that *R.(oao Samuel Smith Old Brewery) v Yorkshire County Council [2020]* determined that matters relevant to openness in any particular case are a matter of planning judgement, not law.

9.13 Case law generally establishes that there can be a spatial and a visual aspect to the openness of the Green Belt. It is considered the individual context of the site, existing buildings and this area of the Green Belt and its 'openness' are paramount in applying a planning judgement.

Spatial Impact

9.14 The agent has provided the figures for the existing and proposed Gross Internal Area (GIA), Gross External Area (GEA) and volume figures for the development. These are provided below along with the associated percentage increases.

	<u>Existing</u>	<u>Proposed</u>	<u>% Increase</u>
<u>Gross Internal Area (GIA) (m²)</u>	114	372	226%
<u>Gross External Area (GEA) (m²)</u>	215	470	119.0%
<u>Volume (m³)</u>	1237	2238	81%

9.15 The figures above show that there would be significant increases as a result of the development. However, the context of the existing building and the proposed works in relation to it on the ground have to be taken into account with respect to this. It is considered that the figures are somewhat distorted in that a large portion of the increases would relate to the infilling of the water tower between its existing concrete legs.

9.16 Overall, the building is significant in mass as existing. A central element extends to the ground with the main drum located above this. This drum is then in turn supported by several concrete beams which extend to the ground along the outer edges. The proposal would infill the areas between the central element (that serves as access to the upper building), and the outer concrete legs. This infilling would not extend past the already established concrete legs that form the outer rim of the existing development at ground level. Therefore, the works that are necessary in order to convert the building would not extend outwards of the established built envelope of the existing building.

9.17 The existing water tower measures approximately 17.75m in height. The proposed elevations show the finished height of the development as approximately 19.8m. Thus, there would be a height increase of approximately 2.05m. However, this height increase would not occur across the full expanse of the upper water tower and largely occurs to accommodate a very shallow pitched roof to the building.

9.18 A canopy would be provided to shelter parked vehicles and this would expand from the outer edge of the proposed development, and therefore the existing envelope of the building. However, this would be a slim feature that simply extends outward from the side wall of the finished development and would not be an enclosed structure. Therefore it is considered this element would not have an impact on the spatial openness of the Green Belt.

9.19 The development would include the construction of a new access road within the site. The extent of the access road (post construction) would not extend disproportionately outwards from the proposed building. Furthermore, it would be positioned between an existing access road directly to the northeast, Luton Road to the frontage, and the existing Caddington Hall access to the west. Engineering operations like these are considered an appropriate form of development in the Green Belt under Paragraph 150 of the NPPF and the inclusion of this access road would not have a wider impact on spatial openness nor conflict with the purposes of including land within the Green Belt.

9.20 Therefore, while the calculations of the existing and proposed development would indicate increases in built form, this would largely occur due to the infilling of the lower areas of the water tower which would not expand beyond the existing built envelope of the building. Furthermore, the site is located in close proximity to built development along Luton Road, with a commercial related development located to the rear of these dwellings, Caddington Hall to the south west, as well as existing residential and commercial development located to the north east, along Markyate Road. As such, it is considered the existing building, as well as the proposed development, is and would be well contained within existing built up pockets of development on the approach to Markyate.

9.21 Overall, despite the numerical calculations, regard has to be paid to the existing site context, existing building, and the proposed development within these confines when assessing the development's relative impact on the spatial openness of the Green Belt compared to the existing built form. Due to the context surrounding the proposal, it is considered that the proposal would not result in greater harm to the spatial openness of the Green Belt above and beyond the existing situation. As such, it is considered the proposal does not conflict with the overall purposes of including land within the Green Belt, which are again shown below:

- To check the unrestricted sprawl of large built-up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land
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9.22 Overall, the infilling of the water tower would not result in significant sprawl beyond the existing envelope of the development. It is considered the height increase would not materially impact the overall spatial openness of the Green Belt when having regard to the existing scale of the building, and the shallow pitched nature of the roof which it largely accommodates, which means the full height increase referred to above would not occur across the entirety of the existing envelope of the building.

Visual Impact

9.23 As stated previously, the issue of the visual impact on the Green Belt must be assessed through the concept of openness, rather than from a visual amenity or character aspect, which will be covered below.

9.24 It is considered that the primary public views of the existing water tower are offered from along Luton Road, as well as the rights of way to the north. The submitted Landscape and Visual Impact Assessment (LVIA) confirms this. It is noted that many of the views contained within the LVIA were taken on days which were poorer than usual visibility. However, the site and its surroundings have been visited on multiple occasions, in different seasons, and it is not considered the water tower is widely perceived from long range views.

9.25 Due to heavy landscaping along Luton Road, the water tower is not perceived from long range distances when travelling from the north east or south west along Luton Road. It is perceived from perforated views through the landscaping once in closer proximity to the site and then more openly

outside the access. From the rights of way to the north, views are obscured depending on times of the year. The most recent site visit took place in October 2021 and at this time the tower was largely still obscured by landscaping along the boundary with the field. However, the site was first visited in January 2019 and it is noted that the tower was more visible at this time of year.

9.26 As previously stated, it is not considered the height increase, which largely accommodates the shallow pitched roof, would lead to a marked increase in perceived height of the water tower, especially when considering its current scale. From the Rights of Way, it is considered the infilling of the lower portion of the tower would not be widely perceivable. Even during the winter, it was mainly the highest portions of the tower which were perceivable. The lower portion would become more visible as one approaches the access to the Right of Way along Luton Road.

9.27 From the access to the Rights of Way as well as the access to the site itself, the infilling would be clearly visible. However, from these views, one would perceive the infilled building in close proximity to the existing ribbon development located on Luton Road, as well as the access route to Caddington Hall. Thus, from this view the site would be perceived in a context defined by existing pockets of built development on approach to Markyate.

9.28 The development would be larger in scale and massing than these existing dwellings. However, this scale and massing above the existing dwellings is already experienced as per the existing situation. As mentioned previously, the building works associated with the conversion of the tower would not extend beyond the existing built envelope of the existing building at ground level (with exception of the vehicle canopy which is open in nature). It is not considered that the existing slot views between the central element (used for access) and outer legs of the tower contribute significantly to a sense of openness whereby this loss would have a marked impact on the perceived openness of the site. The existing water tower dominated the immediate site context. A condition removing Schedule 2, Part 1, Class A Permitted Development Rights will be imposed on any permission given to ensure no extensions are constructed following completion of the development under these rights.

9.29 It is not considered that the increase in height would have a wide ranging visual impact on openness from long range views, due to the roof form and shallow pitch of this, which accounts for the majority of the increase. From outside the site, the angle at which the roof would be perceived, combined with its shallow pitch, would not ultimately result in a significant increase in the perceived scale of the building over and above the existing situation.

9.30 Any vehicle parking or other residential paraphernalia would be viewed against that which is already visible along the road due to the existing dwellings.

9.31 The floor plans show that there would be limited window openings on the northern elevation of the tower, which faces the road, reducing light splay at the higher levels. Details of non-reflective glazing to be used as well as an external lighting plan will be secured by condition to further reduce light splay.

9.32 Due to the above, it is considered that the development would not have greater harm on the visual openness of the Green Belt than the existing building.

Quality of Design / Impact on Visual Amenity

9.33 Policies CS11 and CS12 of the Core Strategy (2013) aim to ensure development respects the overall character and appearance of the area. Section 12 of the NPPF also provides an overarching objective of achieving well-designed places. Paragraph 130 of the NPPF states that planning policies and decisions should ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

9.34 There is no objection to the design of the proposed development. The proposal would largely retain the form of the existing feature but the use of some contrasting materials (such as timber cladding), carefully positioned glazing, and the low profile of the roof which forms a silhouette would effectively break up the mass and bulk of the existing structure while retaining its existing form as far as possible.

9.35 The majority of the new glazed openings serving the development would face southwards, away from the road. The design and access statement indicates that the windows serving the bedrooms would have flush slim line profile frames. The statement also refers to the proposed use of anti-reflective glazing (Saint Gobin = Vision Lite anti-reflective coated glass). The combination of limited glazing facing the road (as well as the Rights of Way to the north) and the use of anti-reflective glazing would minimise light splay into the surrounding area. Existing landscaping on site would also assist with this as well as any proposed planting scheme. As previously stated, full manufacturers specifications of the anti-reflective glazing will be secured by condition.

9.36 The Conservation and Design Officer has no objection to the design in principle, though has commented that the proposed roof should be metal roof rather than the proposed asphalt and that any finish should be a dull matt colour. Final details of the finishes and materials will be secured by condition as a result, as well as details of hard and soft landscaping and the full manufacturer's specification of the proposed anti-reflective glazing to be used. A condition removing Schedule 2, Part 1, Class C Permitted Developments Rights will be imposed on any permission given, to ensure additional glazing in the form of roof lights are not inserted following completion of the development.

9.37 A cell web root protection access road is proposed during construction to ensure the protection of tree routes during this process. The majority of this access would be removed post construction, with an element around the water tower and access to Luton Road being retained and made good post construction. It is noted that the cell protection membrane may have to be built up with several layers during construction. There is no objection to this for the purposes of construction. However, a condition will secure details of the existing and final proposed levels of the site, to ensure that the access road does not rise significantly above the land level of the road.

9.38 As such, there is no objection to the design of the proposal. It is considered the proposal represents an opportunity to convert an existing disused building to create an innovative and high quality home while retaining the general form the former water tower.

Impact on Heritage Assets

9.39 Policy CS27 of the Core Strategy (2013) states that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced.

9.40 Markyate Cell, a Grade II* Listed Building is located west of the application site. However, it is located a significant distance away and as a result views of the development would not be available from the Listed Building or its associated grounds. Furthermore, the conservation officer has not objected to the proposal on grounds related to harm to a designated or undesignated heritage asset.

9.41 Therefore, having regard to Section 16 and 66 of the Listed Buildings and Conservation Areas 1990 (as amended), Section 16 of the NPPF (2021) and Policy CS27 of the Core Strategy (2013), it is considered the proposal would not result in harm to any heritage assets.

Impact on Chiltern Hills AONB

9.42 Policy CS24 of the Core Strategy (2013) states that the special qualities of the Chilterns Area of Outstanding Natural Beauty will be conserved. The site is not located within the AONB, however this designation is located west of the site.

9.43 Due to the distance between the AONB designated land to the west and the application site, it is considered the development not be perceived to any significant extent from the Chiltern Hills AONB. Existing built form along Luton Road is positioned between the application site and the AONB designation. Furthermore, paragraph 3.31 of the Chilterns Buildings Design Guide (2004) states that the other policies within the guide do not mean that there is no place for contemporary and innovative architecture.

9.44 As previously stated, the site is mainly experienced along the road frontage and the rights of way to the north. The submitted Landscape and Visual Impact Assessment also recognises this and notes that the “*introduction of development within the existing landscape framework would be considered similar to the nature of the current visual baseline*”. Overall the report states that the assessment of the local character area of the site and its context, overall is assessed as having a low sensitivity to this proposal. As found by the case officer, the report suggests visual change would be mainly limited to the access of the site, the residential dwellings along Luton Road, of which there is no right to a private ‘view’ in planning policy, and the Rights of Way to the north. All of these areas lie outside the Chiltern Hills Area of Outstanding Natural Beauty.

9.45 Thus, having regard to Section 85 of the Countryside and Rights of Way Act 1990 and Policy CS4 of the Core Strategy (2013), it is considered the proposal would not result in harm to the Chiltern Hills AONB.

Impact on Residential Amenity

9.46 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space.

9.47 The proposed development would be located approximately 50m from the nearest dwelling along Luton Road to the north-west. At this distance, it is considered that the proposal would not result in an adverse impact on the residential amenity of the properties fronting onto Luton Road by way of loss of light, privacy or outlook. Existing vegetation along the boundaries would also partially screen any views from the converted tower towards these properties.

9.48 The application site’s southern boundary sits adjacent to land owned by Home Farm, to the south. However, this property is located a significant distance away from the water tower and it is again considered the converted building would not have an impact on the residential amenity of this property. While the land adjacent the southern boundary is owned by Home Farm, it is not considered this land forms part of the residential property’s residential curtilage in planning terms, which would be more tightly knitted around the dwelling further to the south.

Amenity for future occupiers

9.49 It is considered the development would provide an acceptable level of internal space for future occupants. The plans also indicate that occupants would have access to amenities such as an indoor swimming pool, steam and sauna rooms and a home gym. A daylight/sunlight survey which takes into account the positioning of trees around existing water tower has been submitted in support of this application. British Research Establishment Guidance provides transparency values for individual tree species (i.e. the amount of sunlight which penetrates through particularly canopies) which can be inputted in calculations for daylight/sunlight reports. This essentially acknowledges that shadows cast by trees are experienced much differently to that which is cast by buildings, as well as the fact ambient daylight will still diffuse through the canopies. The findings of the report show that the habitable windows of the development would all receive adequate levels of daylight/sunlight.

9.50 With respect to outdoor amenity space, Saved Appendix 3 of the Local Plan (2004) states that the garden depths of new dwellings should be at least 11.5m and that these should normally be positioned to the rear of the dwelling. The depth of land available directly between the rear of the conversion and the southern boundary would be limited to approximately 2.3m. However, it is noted that areas to the front and side of the dwelling would also be available. These areas would still benefit from a reasonable amount of privacy and be acceptable in size.

9.51 It is noted that the outdoor areas would experience more shade than average due to the woodland context of the site though as previously stated, this is experienced differently to shade cast by that of buildings and the submitted light report, which takes this into account, shows that habitable windows would receive adequate levels of sunlight/daylight. It is therefore considered that the trees themselves would not have an overtly significant impact on the surrounding areas if they do not have an unacceptable impact on more enclosed internal rooms. Furthermore, it is considered more consistent sunlight levels could be received on the proposed fourth floor terrace, which faces southwards. The converted building itself may cast heavier shadows on the outdoor areas throughout the day, though it is noted that there are multiple areas located at different orientations to the building through the site and the wider woodland to the west. Thus future occupants could enjoy different parts of the outdoor amenity spaces at different times of the day to avoid the heavier shadows cast by the dwelling itself.

9.51 Future occupants would also benefit from an outdoor terrace area on the fourth floor of the converted tower. Furthermore, while the submitted curtilage plan shows what the planning authority would consider the ordinary residential curtilage of the development, future occupants would still have access to the western portion of the woodland which is significantly beyond the size of a garden that most residential dwellings enjoy. The curtilage plan was requested in order to formally record what the planning authority considers the residential curtilage of the development in terms of ordinary residential paraphernalia being stored in this area. The intention of this plan is to assist the Local Planning Authority in the future, should structures that do not have permission be erected within this portion of the woodland.

9.51 Overall, it is considered the development would not have an adverse impact on the residential amenity of the surrounding properties in terms of loss of light, outlook or privacy. Furthermore, the development would provide an acceptable level of residential amenity to future occupants, due to the extensive amenities that could be made available internally (home gym, pool etc), the fourth floor terrace, and the extent of outdoor space that would be available to future occupants.

Impact on Highway Safety and Parking

9.52 Policy CS12 of the Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.

9.53 Furthermore, Saved Policy 51 of the Local Plan (2004) states that the acceptability of all development proposals will always be assessed specifically in highway and traffic terms and should have no significant impact upon the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development and the environmental and safety implications of the traffic generated by the development.

9.54 The scheme initially proposed a new access road leading through the site and adjoining onto the private access route from Caddington Hall. It has now been amended, where sole access would be from the existing access onto Luton Road. This is to reduce the footprint splash of the development and would also result in the western portion of the woodland remaining as existing post development. An access route would be laid from the Caddington Hall site during the construction process, however, this element would be removed post construction, with only the road positioned

within close proximity to the completed dwelling and Luton Road being retained. Plan 20-19-D001B shows the extent of the temporary construction access road to be retained post development.

9.55 Hertfordshire Highways have no objection to the application, noting that the existing bell mouth access on Luton Road would be used to access the existing dwelling and that the existing access as good visibility to either side. The development would also not generate significantly high trip numbers which would have an impact on the overall capacity of the adjacent highway network.

Fire access

9.56 Ongoing discussions between the case officer, Hertfordshire Highways, and Hertfordshire Fire and Rescue have taken place throughout the determination of the application. It has been clarified that a fire appliance would park along the road frontage in an event of an emergency to access the dwelling.

9.56 Overall, building regulations state that access for a fire appliance should be within 45m of all points of the dwelling, this can be increased to 75m with the installation of fire sprinklers. If parked along access from Luton Road, a fire appliance would be approximately 80m away from the furthest point within the fourth floor in the dwelling. As such, the applicants have confirmed the proposed the installation of dry risers, a scheme of which would be submitted at building regulations stage. Fire and Rescue have initially commented on the feasibility of dry risers within the building due to the staircase. However, the applicants have confirmed that this can be overcome through multiple risers being installed in the building.

9.57 A specific scheme for the installation of the dry risers would be reviewed at during the building control stage, should permission be granted. At this stage, it is considered acceptable for a fire appliance to stop outside the site and that the entire building could be appropriately accessed by fire personnel with the use of dry risers. The applicants are aware of the need for dry risers due to the distances involved and have confirmed they have explored this option at an initial stage. Thus, with respect to fire access, there is no objection to the application.

9.58 The building control stage is a separate regulatory process and thus it is considered that a planning condition relation to details of the dry risers does not pass the planning conditions tests contained within Paragraph 56 of the NPPF. Furthermore, government guidance states that *“Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning”* – (<https://www.gov.uk/guidance/use-of-planning-conditions#Application-of-the-six-tests>). Therefore, in this instance, a condition requiring details of the scheme to install dry risers within the building will not be pursued.

9.59 In addition to the above, Hertfordshire Fire and Rescue have confirmed that if a fire appliance did access the site, a fire appliance would be within 75m of all points of the dwelling where the installation of fire sprinklers would be satisfactory. It is also acceptable for a fire appliance to reverse if this is for no more than 20m in distance. While this could occur, it is considered that a fire appliance reversing onto Luton Road would not be the preferred option. Moreover, it is considered that in an event of a fire emergency, a fire appliance would be unlikely to stop within the site, in close proximity to the tall building. As previously stated, the applicant’s intention is to submit a scheme to building regulations based on a fire appliance parking along Luton Road.

Parking

9.60 The floor plans for the proposal indicate that the development would be a 3 bedroom dwelling. Under the Parking Standards SPD (2020), a 3 bedroom dwelling would require 2.25 parking spaces in this location. There would be enough room within the car port and the hard surfaced area of the

development to accommodate this provision plus extra vehicles. As a result, there is no objection to the proposed parking provision.

9.61 The provision of electric vehicle charging infrastructure will be secured by condition.

Impact on Trees and Landscaping

9.62 The immediate setting around the water tower is covered by Tree Preservation Order 406, served in 2003. The western portion of the woodland (where the temporary construction access would be installed) is covered by Tree Preservation Order 563, served in 2017 and extending further west and south west into the Caddington Hall site.

9.63 A tree report including details of protection methods, a tree protection plan, and several plans showing the extent of the temporary access road to be constructed using Cell Web Tree Root Protection System.

9.64 Trees and Woodlands were consulted on the application and had no objections to the protection measures included within the application, noting that the road system proposed is suitable to the use proposed and for construction purposes, as well the positions of proposed tree protection fencing being acceptable. Furthermore, a conveyor belt system is proposed along the temporary construction route to further reduce vehicle movements along the access during construction.

9.65 Elements of the cell web protection road way will be retained post construction and made good to serve as hardstanding for the development. The tree officer has raised no objection to this.

9.66 The agent has confirmed that an existing services route that runs from the water tower to Luton Road would be used. This has been witnessed on site and the tree officer has no objection to this in principle. However, a condition will secure details of the current condition of the services route and any repairs that may be required to run new services. This would also include a scheme for laying the new services to ensure any tree roots are not damaged.

9.67 It is noted all trees are to be retained on site, with lateral pruning occurring to T5 and T14, positioned close to the tower. The tree officer has noted two category U trees, a Beech and Larch, have been recorded close to the temporary access route from the Caddington Hall site. While these are category U (dead), they are not proposed for removal and the agent has confirmed this. These trees would be located a significant distance from the water tower and therefore would not pose a risk to the proposed development.

9.68 As covered previously, it is considered the trees would not place undue future pressure on the development in terms of residential amenity. A submitted daylight/sunlight report, which takes into account the trees, shows that all habitable rooms of the development would receive adequate levels of daylight/sunlight. As the trees would not have a significant impact in terms of light ingress to these more enclosed areas, it is considered that they would also not have a significant impact on light diffusion to the outdoor amenity areas or the fourth floor terrace. British Research Establishment Guidance on sunlight and daylight recognises that different tree canopies allow differing levels of light transmittance through them, and as a result shadows cast by trees are experienced differently to those cast by buildings.

9.69 Furthermore, the trees provide a level of screening and therefore element of privacy from the road. Potential future occupiers would be well aware woodland context of the site and local land searches would show that the trees are protected. Therefore, the local planning authority would retain control over proposed maintenance works to any of the trees on site post development.

9.70 It is noted that a site survey submitted with the application notes two 'saplings' positioned close to the western boundary of the site, where the temporary access road from the Caddington Hall site is to be constructed. However, the tree protection plan does not show these. The western portion of the site is protect by TPO 563, served in 2017. Only trees that existed on site prior to 2017 would therefore be protected. These saplings were not observed on a site visit undertaken in October 2021, which would have been of a moderate size if they existed prior to 2017. The case officer does not have any evidence that saplings that existed prior to 2017 have been removed from the site. This would primarily be an enforcement matter and the case officer is not aware of any formal enforcement action in relation to these trees having been taken. Therefore, the contents of the tree protection plan have been given more weight in respect of the assessment, as it appears these saplings are not currently on site.

9.71 Due to the above, there is no objection to the application on grounds regarding tree protection or post development pressure caused by retained trees.

Other Material Planning Considerations

Ecology

9.72 A Preliminary Ecological appraisal has been submitted in support of the application. Hertfordshire Ecology have no objection to the proposal, noting that no trees are proposed for removal and that the permanent ground areas of the development would comprise a relatively small proportion of the wider woodland. The ecological officer has not raised any concerns relating to protected species.

9.73 A Landscaping and Ecological Management Plan condition has been requested alongside a condition securing a lighting plan. The management plan condition will stipulate that the plan should be informed by a spring botanical survey to better inform the proposed landscaping plan and management measures.

Structural Integrity

9.74 The application is accompanied by a letter from the applicant's structural engineers which confirms that the existing water tower can be converted with regards to its structural integrity. This is largely due to the original construction of the water tower, which was designed to accommodate heavy loads within the upper drum.

9.75 There is no objection in principle to the findings of the letter, which prove that structural engineers have been engaged early in the design process to ensure the architectural plans presented at planning stage can be implemented. Approved Document A of the Building Regulations would cover structural integrity.

Contamination

9.76 The scientific officer has no objection to the application, noting that the land use history of the site means there is a low probability of ground contamination present on site. Therefore, no conditions relating to the submission of further Environmental Risk Assessments has been requested. Instead, appropriately worded contamination informatives will be attached to any permission given.

Waste Management

9.77 There is adequate space within the site for bin storage which would also meet the carry distances contained within Dacorum's Refuse Storage Guidance Note (2015).

Flood Risk

9.78 The site is located within Flood Zone 1, where there is a low probability of surface water flooding. As such, there is no objection to the development on flooding grounds.

Waste Management

Sustainability and Energy

9.79 The development will be constructed to meet the latest Building Regulations Approved Document L1A (conservation of fuel and power) and Approved Document G (sanitation, hot water safety and water efficiency). However, the agent has indicated the intention is to significantly reduce the total CO₂ emissions beyond the required standard, incorporating a range of passive design and energy efficiency measures.

9.80 A report by a renewable energy consultancy has been submitted with the proposal. The aims of this report are to review and refine a range of renewable heating and hot water solutions to simplify the range of choices for the appointed architects and help them understand the practical feasibility, economic considerations and long term benefits of a final strategy. The report covers a range of options from ventilation technology, air source heat pumps, ground source heat pumps and so forth.

9.81 The commissioning of the report is welcomed and as a result, it is considered the energy consumption and options to reduce this have been considered from the onset of the design stage of the proposal with a view to going above and beyond the current building regulations minimum requirements.

Response to Neighbour Comments

9.82 It is considered that the above report considers the material planning considerations regarding this proposal. However it is noted that a number of points have been raised by residents which have not been directly addressed within the previous sections. It is noted that procedural issues relating to the location plan and red outline, appeal decisions and a set of 2005 comments for the site written by an officer at the council have been raised.

9.83 The red outline on the location plan has changed since the initial submission. New consultation letters have been sent out on each occasion this has changed. The extent of the red outline around the western portion of the site was reduced to only cover the temporary construction access route proposed. Towards the water tower end of the site, the red outline has extended out to cover the access onto Luton Road as a means of access, though it is noted no new access here is proposed, only the internal access road which connects onto the existing access from Luton Road. The site location plan is not a legal document regarding boundaries, as the title deeds would serve this purpose. Its purpose is to identify the site in its surrounding context to the planning officer, consultees, and surrounding residents. The case officer is satisfied that the site location has been identified both for their own purposes and for consultation purposes.

9.84 An appeal decision (APP/J1915/W/19/3237241) for the conversion of a water tower at Golden Way, Goldings Estate, Waterford, Herts has been raised. Two more recent appeals at the same site APP/J1915/W/20/3262433 and APP/J1915/Y/20/3262436 have also been raised. The first appeal referenced was dismissed on Green Belt grounds, though it is noted that the proposal also included an external extension to serve a staircase as well as lower infilling. One of the two latter appeals referenced is related to a Listed Building Consent application and so is not relevant. The other latter appeal was dismissed on Green Belt grounds as well as heritage reasons. However, it is considered the context of that site, as well as the existing structure, is materially different to that of the application site. The building relating to the appeals was a water tower that is less substantial in massing and form than that on this application, consisting of a steel drum and slim metal legs. The

site context for the scheme on those appeals is also more open, where the extent of visual openness below the drum can be seen more prominently and is also experienced to a greater extent due to the slim profile of the legs. As such, the assessment within this report concentrates on the specific context created by the structure of this individual water tower and its surroundings.

9.85 A set of comments written in 2005 in response to a previously withdrawn application on site has also been raised. These were written by an officer working in the Strategic Planning Team as a consultation response, not by the case officer dealing with the application. Furthermore, the comments precede changes to both local policy and national policy. The National Planning Policy Framework was first adopted in 2012 for example, with the current Core Strategy being adopted in 2013. The comments largely refer to Policy 110 of the Local Plan (2004), which has not been 'saved' by the council as it is considered inconsistent with the NPPF. Therefore, it is not considered these comments are currently relevant and a decision must be based on currently adopted local and national policy.

Community Infrastructure Levy (CIL)

9.86 The application is CIL liable.

10. CONCLUSION

10.1 Overall, it is considered that the proposed development would not result in greater spatial or visual harm to the openness of the Green Belt, especially when taking into account the five main purposes of including land within the Green Belt contained within the NPPF. The assessment has taken into account the individual site context, profile of the existing building and the proposed building works of which the majority do not expand or 'sprawl' beyond the established built envelope of the existing building.

10.2 There is no objection to the design of the dwelling and it is considered that the proposal represents an opportunity to create a high quality, innovative and distinctive dwelling. It is also considered that the development would not have an adverse impact on the residential amenity of the surrounding dwellings and provide an acceptable level of amenity for future occupants.

10.3 The Trees and Woodlands Officer has no objection to the protection measures for retained trees contained within the application. Likewise, Hertfordshire Highways has no objections to the proposal, noting that an existing access of Luton Road is to be used.

10.4 As such, the proposal is recommended for approval subject to the conditions contained within this report.

11. RECOMMENDATION

11.1 That planning permission be GRANTED, subject to the following conditions.

Condition(s) and Reason(s):

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

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

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

20-19-A02B
20-19-A04B
20/19/06A
20/19/07A
20/19/08A
20/19/09A
20/19/10A

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

3. **No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

The above details shall include full manufacturers specification and details of the non-reflective glazing to be used.

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

4. **No above ground works shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- **all external hard surfaces within the site;**
- **other surfacing materials;**
- **means of enclosure;**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs and how suitable these are for the woodland context of the site;**
- **minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and**

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

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

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

5. **No development (excluding ground investigations or archaeological investigations) shall take place until a Landscape and Ecological Management Plan for biodiversity purposes, which include timescales for implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority. The**

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

The management plan should be informed by a spring botanical survey of the woodland carried out by a suitably qualified ecologist and any mitigation including the proposed planting and landscaping plans under condition 4 updated accordingly.

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Paragraph 174 of the National Planning Policy Framework (2021).

- 6. Tree protection measures prior to the commencement of development and during the construction phases of the development shall be carried out in accordance with the protection measures within the submitted Arboricultural and Planning Integration Report (GHA Trees - 8th March 2021), as well as the submitted Tree Protection Plan (GHA trees, March 2021).**

The tree protection measures shall be the first items installed on site and the last to be removed.

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

- 7. Prior to the commencement of the development hereby permitted, a scheme detailing the methods for the laying of underground services shall be submitted and approved in writing by the Local Planning Authority. This scheme shall include the current condition of the existing services route and the feasibility of using this, repairs that may be required, and how damage to tree routes while laying services will be avoided.**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

- 8. Construction of the development hereby permitted shall be carried out in accordance with plan 20-19-A020C (Construction Management Plan). Within three months of the first occupation of the residential dwelling hereby approved, the western extent of the temporary access road, as well as the surfacing for the construction depot, shall be removed in accordance with plan 20-19-D001B (Temporary Road Detail).**

Reason: In order to protect highway safety and the amenity of other users of the public highway, ensure appropriate protection of retained trees on site, and for the avoidance of doubt and interests of proper planning in accordance with Policies 51, 54 and 99 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

- 9. Prior to the commencement of the development hereby permitted, full details of the finished site levels, above ordnance datum and of the slab level and ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. These details shall include a final section of the finished access road post construction which will supersede the**

indicative section contained within plan 20-19-D0001B referenced under condition 8. The development shall be carried out in accordance with the approved levels and road section.

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

10. **Prior to the construction of the buildings hereby permitted, details of any floodlighting, security lighting or other external means of lighting the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first occupation of the development. No external lighting shall be erected other than that approved by this condition.**

Reason: To ensure that the lighting is designed to minimise problems of glare, protect residential amenity, to minimise impacts on biodiversity and avoid unnecessary light pollution in accordance with Policy [CS12 / Policies CS26 and CS29] of the Dacorum Borough Core Strategy (2013) and [Paragraph 130 / Paragraph 174] of the National Planning Policy Framework (2021).

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

Schedule 2, Part 1, Classes A and C.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality as well as the openness of the Green Belt, in accordance with Policies CS5 and CS12 of the Dacorum Borough Core Strategy (2013).

Informatives:

1. 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.
2. 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.
3. 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.

4. 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.

5. WASTE:

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

WATER:

With regard to sewerage and sewage treatment, this comes within the area covered by the Severn Trent Water. For your information the address to write to is Severn Trent Water, 2308 Coventry Road, Sheldon, Birmingham B26 3JZ Tel - (0121) 7226000

6. All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area

should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

7. In the event that ground contamination is suspected or encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.
8. Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Ecology	<p>Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:</p> <p>The application is supported by a Preliminary Ecological Appraisal by Windrush Ecology (report date Jan 2021) which also include a Preliminary Roost Assessment of the water tower structure, this assessed the tower to have negligible potential for roosting bats. I have no reason to doubt this conclusion.</p> <p>The site is composed mainly of woodland and appears from photos on Google Street View, the Landscape Impact Assessment and the Tree Report to be an area of seminatural woodland composed mainly of native species such as oak and beech, although it is acknowledged that it also contains species such as cherry laurel which are non-native. The woodland is not recorded as ancient woodland and is likely to be secondary in nature. It is shown on the Magic Website as being an area of lowland mixed deciduous woodland a priority habitat and must be considered as part of the LPAs biodiversity duty.</p> <p>The walk over survey which informed the Preliminary Ecological Appraisal recorded no protected species or species of importance. However, this was carried out in December outside the optimal period, March to early June, for botanical surveys of woodlands and so is of limited use in assessing the character of the existing ground flora. In order to accommodate the proposed access and the change of use to the water tower part of the existing woodland will be lost. This loss impacts on only a relatively small proportion of the existing woodland area affecting mainly the ground habitat and with minimal tree loss.</p>

	<p>Given the limited direct impact on the wood, notwithstanding the inadequacies of the survey, I do not consider these represent a fundamental ecological constraint to the proposed development.</p> <p>I am glad to see that the proposal aims to retain a 100% of the existing woodland canopy and that provision of additional planting to add increased biodiversity is planned. Any additional planting should be with native species typical and consistent with the habitats present. I advise that if the LPA is minded to approve the application that an ecological management plan should be secured by condition, detailing how the woodlands semi natural habitats will be conserved and any negative effects of the new dwelling, such as increased disturbance and trampling, mitigated.</p> <p>Furthermore, this management plan should be informed by a spring botanical survey of the woodland carried out by a suitably qualified ecologist and any mitigation including the proposed planting and landscaping plan updated accordingly. The ecological report makes recommendations to safeguard nesting birds, and these should be followed in full. Likewise, the recommendations relating to lighting should be adhered to and evidenced by a lighting plan submitted to the LPA for their consideration, either prior to determination or secured by Condition.</p>
Markyate Parish Council	<p>We do not agree with any buildings on Green Belt. Trees have been destroyed. This should be referred back to the Enforcement Officer due to potential infringements. There is a TPO around the site. Parish Council strongly object to this application. What about the wildlife etc. Bat survey and tree survey is incomplete. Dangerous due to access onto Luton Road, adding to traffic problems.</p>
Trees & Woodlands	<p><u>Design & Access Statement</u></p> <p>5.1 Notes that existing woodland will be added to using 'indigenous species'. Good idea but can't see further detail yet about what / where.</p> <p>5.2 States that a 'no dig' driveway will be installed. This is definitely necessary through the woodland site and the system chosen is probably the market leader / most often used in the UK.</p> <p><u>Construction Management Plan</u></p> <p>17.3 'Raised road' system is proposed for access, using Mabey Tuff Trak Heavy Duty Road Mats. This type of ground protection system is suitable to the use proposed.</p> <p>17.4 Also proposed to use the same system for designated off-site compound and materials storage. This is acceptable.</p> <p>It is stated that the use of a conveyor belt and limited vehicle</p>

	<p>movements will reduce the impact of construction through the site - both welcomed. However, there's no confirmation that tree protection measures should be the first item installed on site and the last removed. This needs to be stated / conditioned.</p> <p><u>Arb & Planning Integration Report</u> Notes a variety of tree species on site, with all trees recorded as being in BS5837 categories B or C (high and moderate quality).</p> <p><u>Tree Protection Plan</u> This plan notes that Eve Trakway is to be used for ground protection purposes, whereas the Construction Management Plan states Mabey Tuff Trak. These products are similar and either is acceptable if installed and used correctly. Protective fencing positions shown on the plan are acceptable. Whilst the Arb Report states that all trees are category B or C, the TPP shows two U (unsuitable for retention) cat trees, a Larch and a Beech, on site. It is usual for cat U trees to be removed, but only minor pruning is noted within the app (to T5 and T14). As no felling is proposed, the status of trees T5 and T14 needs to be clarified, positioned close to the site entrance.</p> <p>I can't see any information about the run of services to the Water Tower. Obviously, the route chosen is of importance through a TPO site, with 'no dig' construction being used for the driveway and the site compound and materials being kept off site. All this good work would be undone if services are installed via a poorly chosen route. Are there any further details? Are older services routes to the tower being reused? Have tree roots impacted upon these?</p>
<p>Environmental And Community Protection (DBC)</p>	<p>No objection on noise or air quality grounds.</p> <p>01.04.2021:</p> <p>The proposed development will not involve significant ground works and is not close to land with a potentially contaminative land use history, it is, however, for a change in land use and so the following informative is recommended.</p> <p>Land Contamination Informative</p> <p>In the event that ground contamination is encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed because, the safe development and secure occupancy of the site lies with the developer.</p>

	<p>22.11.2021:</p> <p>No change to the advice previously provided (01/04/2021) just an update to the wording of the contaminated land informative.</p> <p>Contaminated Land Informative 1: In the event that ground contamination is suspected or encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p>
<p>Hertfordshire Highways (HCC)</p>	<p>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:</p> <p>1) No development shall commence on site above slab level until additional layout plans, drawn to an appropriate scale, have been submitted to and approved in writing by the Local Planning Authority, which clearly demonstrate that all on-site parking spaces can be accessed by a vehicle, and that on-site turning space is sufficient to enable an 11 metre fire appliance and all other vehicles to enter and exit the site in forward gear.</p> <p><u>Reason:</u> To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p><u>Highway Informatives</u></p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works</p>

within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website

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

AN 2) 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. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 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 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

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

AN 4) Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

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

Comments

The proposal is for the conversion of the existing water tower (sui generis) to residential (C3) including the construction of new access at Water Tower, Luton Road, Markyate. Luton Road adjacent the proposal is a 30 mph classified B secondary distributor route that is maintained at public expense. The conversion will include that of a single dwelling.

Vehicle Access and Parking

The water tower has not been in use for some time and has an existing gated bellmouth junction onto Luton Road. The applicant is proposing that this access be kept but not used for the dwelling, instead it would be used as a stopping area for refuse vehicles to collect the dwellings waste. The existing access has good visibility either side owing to the straight nature of Luton Road adjacent. The proposal stated that a new access will be created for the dwelling which will access a private route to the south west of the site. The private route accesses the highway network via a large bellmouth junction onto Luton Road with good visibility either side. The newly proposed access from the private route to the dwelling will be via a long private drive leading to a parking area as seen in drawing.

20-19-D001. The private drive lacks details on its width, parking spaces and potential turning space to enter and exit the site in forward gear which is deemed necessary owing to the dwellings proximity to Luton Road. Therefore, condition 1 have been included above to ensure that all vehicles can manoeuvre on site with the inclusion of a 11 metre fire appliance in case of an emergency.

The new access will not be onto the highway network, however, HCC Highways would still recommend that the access be built to standards stipulated in Hertfordshires Design guide section 4.

Parking is a matter for the local planning authority (LPA). However, HCC Highways would comment that the applicant has stated that there will be 4 vehicle parking spaces, although theses have not been presented on any drawings.

Refuse / Waste Management

The applicant is proposing that the existing access be utilised as a refuse collection vehicle stopping point. This is not seen as an issue in terms of highway safety. However, it must be confirmed acceptable by DBC waste management team.

Emergency Vehicle Access

	<p>As part of the highway authority's assessment of this planning application, we have identified emergency access issues which may benefit from input from Herts Fire and Rescue. These include the dwelling being greater than 45 metres from the highway to all parts of the building and the inability for a large fire appliance to manoeuvre on site. Therefore, details of the proposal have been passed to them for attention. This response will be sent separately to the case officer by the fire service. HCC would like to back any comment made by the fire service for this application.</p> <p><i>Conclusion</i></p> <p>HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the highway subject to a pending comment from Herts Fire and Rescue regarding the access for emergency vehicles with subject to the above highway informatives and condition.</p>
Thames Water	<p>WASTE:</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</p>

	<p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>WATER:</p> <p>With regard to sewerage and sewage treatment, this comes within the area covered by the Severn Trent Water. For your information the address to write to is Severn Trent Water, 2308 Coventry Road, Sheldon, Birmingham B26 3JZ Tel - (0121) 7226000</p>
<p>Hertfordshire Highways (HCC)</p>	<p>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.</p> <p><u>Highway Informatives</u></p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.</p> <p>Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.</p> <p>Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p>

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments

The proposal is for amendments regarding the conversion of the existing water tower (sui generis) to residential (C3) including the construction of new access at Water Tower, Luton Road, Markyate.

Luton Road adjacent the proposal is a 30 mph classified B secondary distributor route that is maintained at public expense. The conversion will include that of a single dwelling.

Vehicle Access

HCC Highways previously commented on this application when the access route would be via a private side street. The amendments state that this side road will be used for construction only and once construction is over then the existing access onto Luton Road will be utilised for all the dwellings movements (see drawing number 20-19-A04B). The existing access onto Luton Road is a bellmouth that used to serve as maintenance access for the water tower. The access has adequate visibility either side and is wide enough to facilitate the passing of vehicles. The hardstanding for the dwelling allows vehicles to turn on site and enter the highway network in forward gear which is required. As light issues raised previously was that HCC Highways was unsure if a fire appliance can turn on site in case of an emergency. It is now apparent that without the side access route, there will be no area for the fire appliance to turn on site. It is my understanding that the LPA has been in contact with the fire department who should make any final decision in relation to fire safety. The fire appliance in the hopefully unlikely event of an emergency can use the bellmouth adjacent the access to stop during an emergency, this will mean that it would not block the highway network and would now not need to turn on site. This would need to be agreed by the fire service.

Refuse / Waste Management

The applicant is proposing that the existing access be utilised as a refuse collection vehicle stopping point. This is not seen as an issue in terms of highway safety. However, it must be confirmed

	<p>acceptable by DBC waste management team.</p> <p><u>Conclusion</u> HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the highway subject to a pending comment from Herts Fire and Rescue regarding the access for emergency vehicles with subject to the above highway informatives and condition.</p>
<p>Conservation & Design (DBC)</p>	<p>The existing water tower is a large 20th century concrete structure typical of similar water towers elsewhere. It is located close to Caddington Hall on a hill above Markyate.</p> <p>We would not object to the design in principle although it would be useful to consider a number of minor alterations. Given the prominence within the landscape a condition should be imposed or ideally it noted on the application form that any glass be non reflective. This is to reduce the visual impact of its new use in particular during the winter months. In particular from the nearby heritage assets. It would also be recommended that the roof be a shallow metal roof rather than the proposed asphalt. This would be to ensure the quality of the scheme. Any finish should be a dull matt colour.</p> <p>The landscaping to this scheme is of importance particularly in relation to nearby heritage assets. It would be recommended where possible that the trees be retained and additional trees and planting be introduced to help conceal the change from woodland to a more domestic character. If the proposed access road for construction is to be removed additional planting should be considered as it forms the access to the Caddington Hall site and may detrimentally impact on this development and its setting. It may be more beneficial overall to close the existing water tower access and form a boundary with planting and use the new access road to reduce the proposals visual impact from the road.</p> <p><u>Recommendation:</u> No objection. Materials subject to approval and in particular the finish to the glazing should be conditioned. The landscaping scheme should be conditioned.</p> <p>It would be recommended that permitted development rights be removed to ensure that the character of the water tower is maintained and it does not have detrimental extensions constructed at a later date or outbuildings which would harm the setting of it and other heritage assets in the area.</p>
<p>Hertfordshire Fire & Rescue</p>	<p>With regards to the application for Water Tower at Markyate, there are a number of factors that we would like to agree with and also raise at this</p>

point.

Access and Facilities

1. Access for fire fighting vehicles should be in accordance with The Building Regulations 2000 Approved Document B (ADB) Vol 1, section B5, sub-section 13.
2. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 19 tonnes.
3. The minimum width of the access road should be 3.7m for the full length. Any gated entrance should not be narrower than 3.1m.
4. It is not fully clear if there are entrances to the site from both ends. In the event there is a dead end, or the access road does not meet the full requirement throughout, turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Diagram 13.1 in section B5.
5. Distance to appliance - Approved Document B (Vol 1) B5 Section 13 Vehicle Access.
'For dwelling houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling house'.
6. Vehicular access can be increased significantly if a sprinkler system is installed and where the arrival time for the fire service is not more than ten minutes.

BS 9991 - 2015 Residential Buildings 50.1.2 states:

Where sprinklers, in accordance with BS 9251:2014 or BS EN 12845 (see 11.2, Table 2) are fitted throughout a house or block of flats:

- . the distance between the fire appliance and any point within the house (in houses having no floor more than 4.5 m above ground level) may be up to 90m;
- . the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75 m (in houses or flats having one floor more than 4.5 m above ground level).

As the building has multiple points above 45m from the entrance to the building and floors are above 4.5m above ground level, in order to comply with regulations, this will need to be fitted with sprinklers in the appropriate areas.

08.06.2021:

Thank you for your email today. Further to the amended proposal, the plans show that if Luton Road was used as the stopping point for Fire & Rescue Services access, the following would apply:

. According to the plans, the distance from the fire appliance parked on Luton Road to the top of the ground floor measures approximately 45m. Therefore sprinklers would be required to be fitted in all floors above the ground floor.

Approved Document B (Vol1) Section B5 Section 13 Vehicle Access

For dwelling houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling house.

. Vehicular access can be increased significantly if a sprinkler system is installed and where the arrival time for the fire service is not more than ten minutes.

BS 9991 - 2015 Residential Buildings 50.1.2

Where sprinklers, in accordance with BS 9251:2014 or BS EN 12845 (see 11.2, Table 2) are fitted throughout a house or block of flats:

. the distance between the fire appliance and any point within the house (in houses having no floor more than 4.5 m above ground level) may be up to 90m;

. the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75 m (in houses or flats having one floor more than 4.5 m above ground level).

With the current proposal, these conditions are not met, as there is living on the 4th floor which is over 4.5m above ground and the distance to the furthest point within this floor is 80m from the fire appliance.

If the access road to the building was to withstand 19 tonnes of weight and include the appropriate turning facilities (as detailed in ADB (Vol1) B5 Section 13, table 13el.1), this will allow fire crews to park closer to the building and access all areas within 75m from the fire appliance. Therefore meeting the requirements of a building with sprinklers above 4.5m.

Please do not hesitate to contact me if you any questions.

09.08.2021:

You have asked for the view HFRS would take to the installation of a dry riser in the proposed development of the water tower. Dry risers are normally sited in a protected area to allow fire fighters to set up and plug in, I am not sure the design of this dwelling would facilitate this. The

	<p>other point I would note is that a riser normally travels vertically in a straight line and has no more than 20m horizontal travel. With the staircase running round this building it may prove problematic unless several risers were to be installed. There would also have to be an adequate water supply to the risers.</p> <p>It may be that with the provision of an adequate access road leading in from Luton Road the appliance would be able to enter the grounds to a point where it would not have to reverse more than 20m. The distance for measuring hose laying from would then start at the rear of the appliance and this may assist in meeting the 75m when sprinklers are installed and maintained.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>No change to the advice previously provided (01/04/2021) just an update to the wording of the contaminated land informative.</p> <p>Contaminated Land Informative 1: In the event that ground contamination is suspected or encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p> <p>Although the load bearing aspects of the development will be below the existing concrete structure there will presumably be floor slabs and services etc. needing to be installed. Nonetheless the historical land uses, environmental setting and the inherently low contaminating potential of the most recent water tower land use is such that the informative is still an appropriate recommendation.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
12	5	0	5	0

Neighbour Responses

Address	Comments
Home Farm Luton Road Markyate St Albans Hertfordshire AL3 8QB	<p>My property, Home Farm, lies to the south of the application site.</p> <p>PROCEDURAL MATTERS It took me some while to get the LPA to put the pre-application advice (given prior to the submission of this application) into the public domain, despite providing a ruling by the Information Commissioner on this issue. The information released did not include any of the drawings etc. discussed/commented on during pre-app. In response to Q23 of the application form reference is made to a "subsequent email chain" which contains further details. We are still seeking access to this additional information. I also note that no CIL form has been submitted despite the Planning Portal website clearly stating that one must be provided.</p> <p>THE APPLICATION The application is described as "conversion of existing water tower (sui generis) to residential (C3) including construction of new access". The "conversion" only relates to the existing drum. I would have expected this description to have been more comprehensive, to include the infilling between the stilts, the insertion of cladding/glazing etc. I also note that no mention has been made of the increase in height of the existing tower/drum. There is conflicting information regarding the number of bedrooms the conversion will house. The Design and Access Statement (DAS), the drawings and the PS state/show 3 bedrooms, whereas the application form states there will be 4+ bedrooms. This requires clarification.</p> <p>CONSULTATION I note that in the latest pre-app for this site the officer advised that "you discuss the proposed development with the neighbours prior to submitting a formal planning application". I have spoken to several local residents and can confirm that no such consultation took place.</p> <p>THE APPLICATION SITE The application site is in the Green Belt and is surrounded on all sides by Green Belt land. It lies to the north of my property, Home Farm, on ground which is raised approx.24m above the front courtyard of my property. The site is well populated with mature trees which are covered by two TPOs. TPO 406 covers the original water tower site (Parcel A) and TPO 563 covers Parcel B. The former came into effect on 4 August 2003, and the latter on 15 September 2017.</p>

Appraisal of the proposed development is hampered as a detailed site plan has not been submitted, as noted by the Highways Authority. To get some idea of the site layout it is necessary to piece together information from various documents including the Tree Protection Plan (TPP), the Planning Statement (PS), Root Protection Details and Access Road Detail. Thus, there is no definitive details that can be approved.

The pre-app clearly stated that "a metrically scaled (1:100 or 1:200) proposed site plan showing the layout of the site, including the footprint and roof plan(s)" must be submitted. It was not. As a result, it is unclear where two of the four parking spaces will be located, the position and size of the garden/amenity space, as well as the extent of the wall around the car port.

Furthermore, I note that the access shown on the Tree Protection Plan is labelled as temporary (see below) so where will the permanent access be? Is it to follow the exactly the same line?

EXTRACT FROM TREE PROTECTION PLAN

The Renewable Energy Feasibility Study (REFS) also refers on page 4 to an outdoor swimming pool. Where will this be sited?

Para.2.1 of the Planning Statement gives a site area of 0.12ha. (which I presume is the area of Parcel A), whereas a site area of 0.54ha is stated in Q4 the application form (I take this to be the combined areas of Parcels A and B).

There is more conflicting information in the Design & Access Statement, which gives an area of 0.48ha.

According to the red line the site is made up of two parcels of land (see Figure 2). Parcel A was the original water tower site previously owned by Three Valleys Water. Parcel B was previously part of the Caddington Hall site. Reference to documents relating to App.Ref. 4/02140/19/MFA clearly shows Parcel B as being contained within the red line outlining that site (see right). As the applicant owns both Parcel A and B (as well as the rest of the Caddington Hall site) he is entitled to combine the two to form one site.

However, Caddington Hall (and therefore Parcel B) falls within Use Class C2 (Residential Institutions) whereas the water tower falls under the heading of sui generis. The change of use of Parcel B from C2 to C3 does not constitute permitted development.

The case officer has expressed the initial view that Parcel B was only included as part of the application site as the new access was to be taken through it. If that is the case surely the red line should have been drawn around the access road, not the whole parcel of land. Once again if any part of Parcel B is to be taken into the proposed residential curtilage officer must consider this as a change of use, and this should have formed part of the application. It is critical that clarification is sought on this issue.

It should also be noted that, whilst it is intended to access the site from the private driveway leading to Caddington Hall, this is not correctly indicated on the site 1:1250 site location plan. The red line on the site plan does not include the section of access road to Caddington Hall, off which the access road to the water tower is to be taken.

Guidance notes on the Planning Portal website clearly states that the red line must "include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays (access around a road junction or access, which should be free from obstruction), landscaping, car parking and open areas around buildings".

The red line identifying the site also appears to include the verge to the side of Luton Road i.e. outside the site boundary. A certificate should, therefore, have been served on the Highways Authority. A blue line enclosing the rest of the Caddington Hall site should also have been included on the site location plan as this is also owned by the applicant.

There is also a sub-station on Parcel B.

As a result, in the previous applications no. 4/02140/19/MFA, a certificate was served on UK Power Networks.

No such certificate has been served for this application

Given the above it is abundantly clear that the application cannot be determined in its current form.

THE EXISTING STRUCTURE

The description of the water tower, given in the Planning Statement (PS) is incomplete and also contains some errors.

It incorrectly states that the tower is "roughly central to the site".

It can be clearly seen from the site plan that the tower is not "roughly central to the site".

Indeed, it is less than 3m from the southern boundary with my property.

MSC also state that the structure has "4 heavy concrete stilts" when reference to the drawings show there are eight. It states in para.2.5 that the that the concrete stilts are approx.11m high and the drum approx.8.0m deep thus giving an overall existing height of approx.19m. The drum diameter, scaled off the submitted plans, is approx.14m.

It is important, at this juncture, to establish a precise nomenclature for the existing water tower. Both the agents, architects and officer's pre-application advice (ref.4/03061/18/PRE) refers to the water tower as a "building". It is critical to my argument that this is incorrect.

The dictionary definition of a water tower is a "structure supporting elevated tank to secure necessary pressure for water supply".

The key word is structure, not building, the definition of the latter being "a structure with a roof and walls, such as a house or factory". The water tower does not have a roof (it is topped by a tank) and does not have walls. These elements are to be added as part of the conversion.

PLANNING HISTORY

Firstly, I must question why the Planning history of my property was listed in the pre-application advice dated 20 November 2020, when it

has no relevance whatsoever to the proposed development.

The current application is the second application to be submitted for the conversion of the water tower. Planning Application Ref.4/01691/05/FUL was submitted in August 2005 for the conversion of the water tower into a 4/5 bedroom house (right). The application did not receive a favourable response from officers. Concerns were raised in an internal memorandum dated 25 August 2005, the two main issues being the effect the development would have on the Green Belt and the impact it would have on the protected trees. In the light of this unfavourable response the application was withdrawn.

The water tower site was subsequently sold, and the new owner submitted a pre-app ref.4/03061/18/PRE in 2019. This did not give a favourable response, citing similar opinions to those set out in the 2005 application, and the pre-app was not followed up with a formal application.

SIZE OF PROPOSED DEVELOPMENT

Measuring off the drawings the structure will be increased in height by approx.1.35m, though this is not stated on any of the design drawings or supporting information. Taking the existing height stated in the PS, this increases the overall height of the tower to approx.20.35m. I would submit that the overall height as proposed is a key dimension, and in accordance with the LPA's validation requirements should be shown on the drawings.

I note that in the latest pre-app the officer advised that "glazing at a higher level on the frontage of the building would make it more prominent (my underlining), and this could be an area for concern".

The pre-app indicates that this problem may have been 'designed out', but I would submit that the marked-up drawings (Figure 3) clearly show that is not the case.

Saved Policy 111 of the Local Plan seeks to limit the height of buildings. This policy should be applied to the current application as the existing structure is to be converted to a building. It states that "the development of buildings over two storeys in height will not be permitted in the countryside or in small villages unless there are exceptional reasons related to the particular use of the site and the visual impact is limited".

Some exceptions are then listed, but I would submit (a), (b) and (c) of the aforementioned policy would all be harmed by the current proposals. These relate to openness, a key feature of Green Belt policies. The proposed development fails to comply with this policy.

The pre-app states that "the plans provided suggest that the dwelling would largely stay within the footprint if the existing building".

I have already submitted that it is not "an existing building". My understanding of the footprint of a building is that it should include all cantilevered elements. In this instance that would include the water tank. The proposed footprint must include the area of the two canopies

that project beyond the existing footprint.
 MSC set out comparative measurements in para.6.36 of the PS.
 I have set these out, alongside mine, for comparison.

TABLE 1		MSC Figures		My Figures	
Existing	Proposed	Existing	Proposed	% Increase	Existing
Proposed	% Increase				
Footprint	Not stated	154m2	207.9m2		35%
GIA	144m2	372m2	158%*	150.4m2	511m2 240%
Volume	1237m	2238m	81%*	1174m3	2240m2**
	90.8%				

* My calculation (not stated by MSC)

** Excluding volume of canopies

I would submit that all three percentage increases are significant.
 The area covered at ground floor is also increased significantly.
 The existing coverage is approx.10.5m2. The proposed is approx.
 99m2. This represents an 842% increase.

The pre-app advised that "if the overall footprint/height of the proposed is to be increase, this should be outlined at full submission explaining why no greater harm would occur from a special perspective".
 No such explanation has been provided.

THE IMPACT OF THE WATER TOWER CONVERSION

One of the major issues to be considered when appraising the current application is the impact it will have on the openness of the Green Belt.

Policy CS5 of the Core Strategy (2013) and para.145 of the NPPF (2019) specifically address this issue.

The NPPF states that "the construction of new buildings should be regarded as inappropriate in the Green Belt". There are limited exceptions including "the partial or complete redevelopment of previously developed landwhich would not have a greater impact on the openness of the Green Belt than the existing development", and also "the re-use of buildings provided they are of permanent and substantial construction in the Green Belt, providing they preserve its openness". I note that the officer providing the latest pre-app advice fell short of giving an opinion on this issue. That was not the case in the 2005 where an internal memorandum from a Planning officer states that

- The proposals involved "substantial (my underlining) new building work.
- The "dramatic increase (my underlining) in the bulk and height of the proposed building".
- That the proposed development would "significantly (my underlining) harm the openness of the Green Belt".
- A handwritten side note in the memorandum states that " It is also difficult to argue that this is consistent with Policy 4 which only allows the reuse of an existing building (officer's underlining) where it does not have a greater impact on the Green Belt."

These were comments made by a professional officer. They are not

policy related and must still hold true today.

In the latest pre-app the officer noted that "From a visual perspective, a Right of Way runs across the fields to the north of the site. Thus, the dwelling and any associated residential paraphernalia would be highly visible (my underlining) on approach from the open countryside". He then advises that "information relating to any increase in height/footprint/width of the development should be highlighted at full submission, perhaps through an overlay plan of the existing and proposed building accompanied by any relevant figures outlining the increase taking place". Only the figures set out in Table 1 (page 5) of my submission were submitted. Due to clearance of the site, which was carried out in August 2020, it is now far more open than it was previously.

The photos below clearly show how visible the water tower is in the landscape, in contrast to the photos submitted in the LVIA. The latter appear to have been taken on a misty/foggy day from very selective positions. Even then the PS had to acknowledge that the water tower, at its existing height, was visible from "3 out of the 9 receptor sites".

I have set out further comments on the LVIA which can be found in Appendix A. Section 8 of the DAS refers to the water tower as being "a minor landmark in the countryside" and acknowledges "the distant views of the water tower on the horizon". It then goes on to refer to "carefully restrained views through the canopy to the south".

Para.3.9 of the PS advises that "all habitable levels are relatively above the tree canopy". I take habitable rooms to be those on the third and fourth floors.

Below are the views from the south as existing and as proposed. These are views from my garden. I would submit that views are hardly "restrained" as claimed by the applicant.

I will comment later on how trees have been removed along the southern boundary of the application site to improve the views from the upper floors. The site photos on page 5 and 6 of the PS were taken prior to August 2020 and are, therefore, misleading. This has been mentioned by the consultation response from the owners of 'Oaklands',

Luton Road.

Below are photos I have taken recently of the site. It should be remembered that these are taken when the trees are not fully in leaf, and represent how the site will be visible for around 7 months of the year.

The picture (left) was recently taken from Luton Road, to the north of the site. This clearly shows the openness of the site, with views through the 'stilts' to the countryside beyond. The proposed development would infill this area and increase the height of the tower. There would also be two canopies projecting from the finished building, as well as a garden wall/s and parked vehicles which would further decrease the transparency of the site. Below are other photos recently taken of the site.

I will now refer to Planning Appeal APP/J1915/W/19/3237241 for the

conversion of a water tower at Golden Way, Goldings Estate, Waterford, Herts. The decision letter, dismissing the appeal, is dated 17 February 2020. This is, therefore, a relatively recent decision and a material consideration of which officers providing pre-application advice on this application may not have been aware.

The appeal site was, like the Luton Road site, is in the Green Belt. The infilling of the structural frame is similar to that proposed at Luton Road, but the Golden Way development also included the addition of a stair tower. By comparison with the current application the drum was only 4.9m in diameter (as is the spaces between the legs) and the tower had an overall height of 17.6m. The heights are, therefore, comparable, but the footprint of the Luton Road site is far greater, resulting in more infilling. When it comes to the space to be infilled, however, the current proposals will infill a gap of approx.4.0m both sides of the central core.

In his appeal decision the Inspector noted that "these works would fail to preserve the openness of the majority of the existing structure (the steel frame of the tower) because they would enclose the four sides of the frame". He continued "what is now an open tower would become a four-sided building, with a consequential impact on visual openness"...."the existing steel frame indicates the presence of a building , but its complete enclosure and extension clearly impacts on openness simply as a matter of fact (my underlining)".

The Inspector took account of the "large windows on ground and first floor level" that would "allow some vision.....but only if the blinds in these windows were not down" (i.e.through the building).

Thus, even where the structure was infilled only with glass the Inspector still took the view the openness of the site would not be preserved. It should be noted that these comments were made before the Inspector proceeded to address issue relating to the stair tower, so they clearly do not relate to that part of the development. Although the structure that is the subject of the current application is circular rather than square the Inspector's comments are nevertheless relevant to the application under consideration. Furthermore, it should be noted that views will not be possible through the proposed scheme because of the internal walls.

AMENITY/GARDEN SPACE

I have previously mentioned that the lack of a site plan means that the size/location of the amenity/garden space is not available.

Most local authorities require such space to :-

- be capable of accommodating activities such as sitting, play, clothes drying etc.
- be of a useable shape and level.
- Receive direct sunlight for some of the day.

A typical average figure set by other authorities is approx.100m² but the size of such space is very much dependent on the number of bedrooms and the number of people occupying the dwelling. I have not been able to find criteria for the provision of such space on the Dacorum website, other than that a new dwelling should have a rear garden depth of 11.5m min. This distance is not achievable between

the water tower as converted and the two mutual boundaries with my property.

If only Parcel A forms the site such a distance as also not achievable to the west (towards Caddington Hall). If parking spaces are to be provided immediately inside the gated entrance to the site off Luton Road this depth cannot be achieved in that direction either. The water tower on Parcel A is fully surrounded by trees, and no usable amenity/garden space can be provided. It must, presumably be provided on Parcel B assuming that is indeed part of the application site. But this parcel is also well stocked with mature trees.

25:05.21:

Since this application was originally submitted no less than eight additional documents have been accepted by your Council. Six of these were accepted after the original decision deadline. This is totally unacceptable, and I would submit that the applicant should have been advised to withdraw the application and make a resubmission, particularly as an ownership certificate was only served on 5 May 2021, just three days prior to the determination date. Whilst the additional information submitted provides clarification on some issues, there are still errors, omissions on contradictions such that the application can still not be determined.

These are as follows: -

Site Definition

I still have concerns about the red line that is intended to define the application site. The newly submitted Site Plan Proposed (drg.no.20-19-A02) shows a change in the line of the boundary with Luton Road (see A opposite), that change being approx. where the existing site entrance is positioned. This offset is also shown on the recently submitted Construction Management Plan (drg.no.20-19-A02), the Curtilage Plan (drg.no.20-19-A05) and Landscape Plan (drg.no.20-19-A05). However, it is not shown on the amended Site Location Plan (drg.no.20-19-A01) or the 1:1250 Site Plan.

To complicate matters further the red line is taken to the edge of the road on the Access Road Detail (drg.no.20-19-D001) and the Cellweb Root Protection Detail (drg.no.20-19-D002). The corner of the site (B) is shown as on the Site Plan Proposed (opposite) on the Curtilage Plan, the Construction Management Plan and the (unnumbered) 1:1250 Site Plan. However, it differs on the Site Location Plan.

There is also a minor variation in the line of the boundary with my property (see C above). This offset is not shown on either the Site Location Plan or the Site Plan. So which of these drawings are we to assume correctly defines the boundaries of the site?

Central Government guidance states that the site should be edged in red on a 1:1250 or 1:2500 location plan. That would be drawing no.20/19/01 or the Buy A Plan O.S.map, which are not consistent anyway. Officers must seek further clarification on this conflicting information.

In my previous submission I identified the site as being made up of two parcels of land, Parcel A being the Water Tower site, and Parcel B part of the Caddington Hall site that has been 'transferred' to the Water Tower site to facilitate access. I must express my concern about the red line being taken around all of Parcel B as shown above, particularly given that the Curtilage Plan clearly shows that the only part of that parcel i.e. the access road, is to be incorporated into the proposed site.

Why has the red line not been drawn only along the sides of the proposed access instead? As shown (subject to later comments on change of use) all of Parcel B would, if the application is approved, fall into use class C3, and could be used as such. I would refer officers back to the comments in my previous consultation response regarding the non-inclusion of Parcel B in the arboricultural report and root protection drawing.

Central Government advice states that "a blue line must be drawn on the plan around any other land owned by the applicant, close to or adjoining the application site". Gleneden Plant Hire owns the Caddington Hall site, and this should, therefore be indicated accordingly. Central Government advice also states that all plans should include a scale bar and should show the direction of North. None of the drawings recently submitted include a north point, and only two have a scale bar. Site Plan and Site Location Plan

Description of Proposed Development

In my previous consultation response I pointed out that Parcel B, as it currently forms part of the site of Caddington Hall Care Home, falls within use class C2. Even if, as the Curtilage Plan suggests, only the area required for the access road is to 'transferred' to the Water Tower site, that would still require permission to be sought for a change of use from C2 to C3. The revised application form submitted has not changed the description of the proposed development, so this issue has not been addressed. The application cannot, therefore, be determined in its present form.

The Curtilage Plan clearly shows three protected trees on the route of the proposed new access road (see opposite). Whilst these are shown on some of the previous drawings submitted, their position was not apparent. Indeed, the canopies of these three trees has been omitted from the Tree Protection Plan. They are identified the Site Survey drawing as saplings. I believe these trees have a diameter greater than 75mm and their removal, therefore, requires consent, and I would submit that this should have been included in the current application.

Cross referencing sheet 2 of the Site Survey drawing and the Construction Management Plan clearly indicates the need for the crown of protected trees to be cut back to provide space for scaffolding and construction operations. I attach a copy of a Topographical Survey Plan produced for South East Water (dated 20 June 2019) which verifies this information. These drawings suggest that either the Tree Protection Plan understates the crown spread of some of these trees, or they have already been cut back. The trees in question, as identified on the Tree Protection Plan, are T5, T14 and T15 as well as two further trees to the south of the Water Tower (probably T11 and T12).

The Landscape Plan show the service run from Luton Road. I should be noted that this runs through the root protection area of trees T1, T2 and T15 (as identified on the Tree Protection Plan.

Cell Web Road

The extent of the road varies between drawings 20-19-D001, 20-19-D002 and the20-19-A05. Which is correct?

The Construction Management Plan (drg.no.20-19-A02) states that the entrance from Luton Road will provide emergency vehicle access but does not show this area being protected by Cell Web. Likewise, drg.no.20-19-D002 does not show protection.

Drg.no.20-19-D001, on the other hand, shows the Cell Web taken to the edge of Luton Road. This must be on land outside the site (despite the positioning of the red line on this drawing).

If it is the intention to build the access road as shown on this drawing the requisite notice should have been served on the Highways Authority. It should also be noted that as the access drive must be raised above ground level it would be raised above the level of the road where they abut.

Site Access

It is intended to access the site from the private road serving Caddington Hall. Drawings submitted clearly show a wall and gates to the north of the substation, but no detailed plans of this element of the proposed development has been submitted for approval. I also note that according to drg.no.20-19-A04 the sections of wall either side of the gates are not included in the residential curtilage.

Should Caddington Hall be sold, however, that access could be denied by the future owner. This would lead to pressure for the permanent access to be via the gate off Luton Road. It is important, therefore, that there is a binding legal agreement to retain the access via Caddington Hall. The Tree Protection Plan and the Construction Management Plan both state that the "site entrance gate to be closed, and operated only when materials need to be delivered to the tower". Which gate does this refer to?

As gate is in the singular I have a suspicion that this may relate to the gate off Luton Road. If the note is intended to refer to gates, then does this mean the existing gates at the entrance to Caddington Hall, or those at the new entrance to the Water Tower site?

28.06.2021:

Since this application was originally submitted no less than fifteen additional/amended documents have been accepted by your Council.

The comments set out below relate to the seven documents submitted on 16 June 2021. Even with this latest set of amendments there are still errors, omissions and contradictions such that the application can still not be determined.

These are as follows: -

Application Description

The intention now seems to be that the existing water tower access directly off Luton Road will be used as a permanent access for the converted water tower. The application form now describes the proposed development as the 'conversion of the existing water tower (sui generis) to residential (C3) including the construction of new access'. The access across part of the Caddington Hall is only temporary, and this should be included in any wording.

The application form still states that the site area is 0.54ha, whereas the design and access statement gives a figure of 0.16ha.

Site Definition

I still have concerns about the red line that is intended to define the application site. It has been amended on the site location plan (drgs.20/19/01B and 20-19-AO2B) so that parts of the adjoining Caddington Hall site are only to be used for a site access and storage during the construction period. However, the red line shown on the site location plan steps back at this access.

I would submit that this red line should be taken beyond the line shown to incorporate the full access from the highway, and should include the sight lines for the access .

The curtilage plan (drg.20-19-AO4B) contradicts the above-mentioned information, with the red line not being stepped back at the entrance.

To add to the confusion the revised site plan submitted on 11 May 2021 (Buy A Plan drawing) still shows all of parcel B (as identified in my previous consultation responses) included within the red line.

Despite my previous representations the adjoining Caddington Hall site is not edged in blue. This is owned by the applicant, Mr.R.Gill (Gleneden Plant Sales). National validation requirements clearly state that any other land owned by the applicant must be edged in blue.

Proposed Access off Luton Road

The revised design and access statement still refers to the new access from the west i.e. as shown on the previous scheme. This is also the access route still referred to in the planning statement .

However, it is clear from the drawings submitted that access is now to be directly off Luton Road. It is acknowledged that there is an existing access off Luton Road for the redundant water tower. This is barred by a swing gate which provides access to only to a footpath. The gate was only used to provide pedestrian access for maintenance purpos

I would comment on the latest amendments to this application as follows:-

28.11.2021:

RED AND BLUE LINES

The revised site location plan, submitted on 8 November 2021 still fails to comply with the national information requirements.

As I have pointed out on several occasions the mandatory requirement

is that 'The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).'

The sight lines are still not included within the red line and does not meet the mandatory requirements.

Furthermore, the requirements state that 'a blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site'.

The blue line drawn does not include all the Caddington Hall site and does not, therefore, meet the mandatory requirements.

Revised plans must again be requested, and these again put out for further consultation before this application can be determined.

I have just been advised of a very recent appeal decision which further supports my view regarding the impact the proposed development would have on the Green Belt.

Co-joined appeals ref: APP/J1915/W/20/3262433 and APP/J1915/Y/20/3262436 relate to the conversion of a water tower at Devey Way, Goldings Estate, Waterford, Hertfordshire.

This was the proposed development referenced in my first consultation response.

Revised proposals were submitted and dismissed on appeal on 4 November 2021.

Firstly, it should be noted that the Inspector goes out of his way to avoid referring to the water tower as a building. Instead, he carefully picks his words, and describes it as 'a sizeable piece of functionable apparatus'.

This clearly supports my view that a water tower is not a building.

The Inspector then addresses the impact the proposed development would have on the Green Belt.

He opines in para.25 of his decision that 'By infilling the sides of the structure beneath the water tank, the tower would have the appearance of a tall, 4-sided building as views through the supporting legs would no longer be possible. This means it would erode rather than preserve the openness of the Green Belt (my underlining) that is currently enjoyed in the vicinity of the structure.

Later comments made by the Inspector are also relevant to the application under consideration by your council.

Specifically in para.26 he states that 'Openness though has a special aspect as well as a visual one, and so whilst views through the structure at present are limited I still find the works before me fail to preserve openness'.

It should be noted that the area to be infilled under the drum of the Luton Road water is considerably greater than that covered by the appeal (width approx.4.0m either side of central core, compared with approx. 5.0m in total).

The impact on the Green Belt will, therefore, be even greater.

CONCLUSIONS

The latest appeal decision I have submitted is a material consideration when determining this application.

It supports the previous appeal decision referenced in by first

	<p>consultation response, and the comments made by Mr.Freeman back in 2005 relating to a similar development.</p> <p>All of the above clearly reinforce my previous submissions that the proposed development fails to preserve the openness of the Green Belt, and there are no very special circumstances which outweigh this.</p> <p>I would strongly urge officers to carefully read this latest appeal decision and give it due weight when arriving at a final decision.</p> <p>Given the overwhelming evidence submitted to prove that the development would harm the Green Belt there is only one reasonable outcome, the refusal of permission for this development.</p>
<p>Oaklands Luton Road Markyate St Albans Hertfordshire AL3 8QD</p>	<p>There are many references to the density of the tree cover and vegetation in the supporting documents but the truth is that this cover is now sparse compared to what it was before multiple trees were removed or damaged by the developer, despite TPOs being in place on these trees.</p> <p>Therefore the statements about privacy and light are not accurate. I am currently looking at one felled tree and one tree stripped of bark, both conveniently in the path of the proposed access road.</p> <p>The water tower is an imposing structure. It is mentioned that the struts would remain exposed but infilled. The infill would make this an even more dominant building and would also block the early morning sun which currently comes through in the winter months.</p> <p>The water tower is currently very visible from my property, with very clear views from my bedroom. Due to the height it would mean that my rear garden, currently very private would be overlooked.</p> <p>I am concerned that the developer's disregard for tree preservation to date has created a precedent and I have little confidence that planning subject to restraint in order to protect the existing trees will be adhered to.</p> <p>I'm not clear about the proportions of the proposed building. Are the dimensions to remain exactly the same, including the height? This tower is very visible from surrounding areas, but any increase in height would make it even more imposing and intrusive.</p>
<p>Herts and Middx Wildlife Trust, Grebe House St Michaels Street St Albans AL3 4SN</p>	<p>The ecological information supplied is in the form of a Preliminary Ecological Appraisal. The CIEEM guidelines on PEA states:</p> <p>'1.5 Under normal circumstances it is not appropriate to submit a PEA in support of a planning application.'</p> <p>BS 42020 states: '8.1 Making decisions based on adequate information The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:</p> <p>h) Whether there is a clear indication of likely significant losses and</p>

	<p>gains for biodiversity.</p> <p>'6.3.1the final report submitted with the application should provide as much certainty as possible (see 6.6.1) and be prepared specifically with the aim of enabling the decision-maker to reach a sound and lawful determination of the application.</p> <p>6.6.1 The ecological report should provide sufficient detail and clarity to enable both the applicant and the decision-maker to establish whether the report's proposals and/or recommendations:</p> <p>a) provide a practicable, deliverable and acceptable means of incorporating biodiversity into the proposed development.</p> <p>6.6.2 An ecological report should avoid language that suggests that recommended actions "may" or "might" or "could" be carried out by the applicant/developer (e.g. when describing proposed mitigation, compensation or enhancement measures). Instead, the report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant.'</p> <p>As the report is a PEA, no definitive mitigation or compensation measures are provided. A series of recommendations are made, but these are not enforceable. The application cannot be determined without this information.</p> <p>In order for a decision to be made, the ecological recommendations must be resubmitted with definitive and measurable outcomes. This includes the requirement for measurable net gain, by reference to the Defra biodiversity metric. As stated in the PEA a 10% increase in habitat units is required to prove net gain. If these are acceptable they can then be enforced through the decision or via a condition.</p>
<p>Tanglewood Luton Road Markyate St Albans Hertfordshire AL3 8PZ</p>	<p>We object to this proposal on the following grounds:</p> <ul style="list-style-type: none"> - this developer has already acted with complete disregard for Green Belt, TPOs and the environment. - this will have a significant adverse effect on the openness of Green Belt land. The development will cause further damage to the remaining trees around the water tower - the proposal involves a substantial increase in the height and volume of the existing structure as well as a change of use. We are particularly concerned about the increased height and its effect on the privacy of neighbours
<p>Markyate Village Hall Cavendish Road Markyate St Albans Hertfordshire AL3 8PS</p>	<p>We do not agree with any buildings on Green Belt. Trees have been destroyed. This should be referred back to the Enforcement Officer due to potential infringements. There is a TPO around the site. Parish Council strongly object to this application. What about the wildlife etc. Bat survey and tree survey is incomplete. Dangerous due to access onto Luton Road, adding to traffic problems.</p>